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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Consideration of reports submitted by States Parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

Third and fourth periodic reports of States Parties

New Zealand*

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* For the initial report submitted by the Government of New Zealand, see CEDAW/C/5/Add.41/Amend.1 and Corr.1; for its consideration by the Committee, see CEDAW/C/SR.105, 106 and 109, and *Official Records of the General Assembly, Forty-third Session, Supplement No. 38* (A/43/38), paras. 74-126. For the second periodic report submitted by the Government of New Zealand, see CEDAW/C/NZL/2 and Add.1; for its consideration by the Committee, see CEDAW/C/SR.243, and *Official Records of the General Assembly, Forty-ninth Session, Supplement No. 38* (A/49/38), paras. 608-665.

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INTRODUCTION

New Zealand ratified the Convention on the Elimination of All Forms of Discrimination Against Women on 20 December 1984. New Zealand's first report was considered by the Committee on the Elimination of Discrimination Against Women in February 1988, and its second periodic report at the Committee's 243rd meeting on 25 January 1994.

New Zealand's third and fourth reports to the Committee have been combined and are submitted in accordance with Article 18 of the Convention.

In preparing this report New Zealand has had regard to its previous report, to the proceedings of the Committee in regard to that report and to the Committee's guidelines for the preparation of periodic reports. This report focuses on developments between the consideration of its second report and February 1998, the date of the submission of the combined third and fourth reports.

The statistical data on women in this report comes primarily from the 1996 Census. In instances where 1996 data is yet to be analysed, information from the 1991 Census is used.

Women's non-governmental organisations have been consulted in the preparation of this report.

New Zealand looks forward to discussing its combined third and fourth reports with the Committee.

BACKGROUND

PROGRESS

- **The removal of the exception to the Human Rights Act allowing for discrimination on the grounds of sex in the armed forces, and for crew members on aircraft and ships.**
- **Identification of six areas where the government could take further action to improve the status of women; and the integration of the relevant strategic objectives and actions of the Beijing Platform for Action into the work of the Ministry of Women's Affairs.**

Information about New Zealand's constitutional and legal framework is presented in the Core Document [HR1/Core/Add.33] which forms part of New Zealand's human rights reports to the United Nations. As some of that information is now out of date, it is updated in this section.

POPULATION

The population of New Zealand in 1996 was 3,618,302. This is an increase of 6.7 percent from the 1991 Census. Population density is 13.37 per square kilometre.

There were 7.6 percent more women resident in New Zealand in 1996 than in 1991. From 1986 to 1996, the female proportion of the population increased by 0.4 percent, up from 50.5 percent to 50.9 percent.

While half the resident population was under the age of 33 years, one-quarter of the population was aged 50 years or over, reflecting the fact that New Zealand's population is ageing. Women are 53.3 percent of the population aged over 50 years and 56.9 percent of the population aged 65 years and over.

The percentage of people in the population aged under 15 years has remained virtually static from 23.2 percent in 1991 to 23 percent in 1996. Girls are 48.6 percent of those under 15 years.

Māori population

Of the total 1996 population, 14.5 percent identified as Māori, up from 12.9 percent in 1991. Of the Māori population, 50.7 percent are women. In 1991 the median age for Māori was 20.5 years, compared to 32.95 years for the whole population. The median age for Māori women in 1996 is 22.2 years, compared to 33.65 years for all women in the population.

Descent data is collected only for New Zealand Māori. In 1996, 16.1 percent of women and 15.9 percent of men stated they are of Māori descent, a 0.9 percent increase over 1991.

Racial mix of the New Zealand population

	% of Population	% of Females
New Zealand European	68.9	51.1
New Zealand Māori	14.4	50.7
British and Irish	13.1	50.7
Samoan	2.8	50.8
Cook Island Māori	1.3	50.4
Tongan	0.8	49.9
Chinese	2.2	51.8
Indian	1.2	48.9
Japanese	0.2	61.9
Korean	0.3	50.2

Source: **Number of Responses for Selected Ethnic Groups, 1996 Census, Statistics New Zealand**

There was an increase of 21 percent over 1991 figures for those who identified with one or more Pacific groups. Significantly, 57 percent of this group are now New Zealand born. Of the Pacific population, 50.6 percent are women.

Urban/rural

In 1996 the population of rural centres and rural areas increased by 7.6 percent, a substantial increase since the previous census when the population gain of these areas was 1.4 percent. Rural women make up approximately 14 percent of the total population of women.

CONSTITUTIONAL BACKGROUND

There have been no substantive changes in New Zealand's constitutional arrangements during the reporting period, but there have been some relevant changes to the structures of government within particular areas of the public service and government agencies. These are outlined in the relevant Article.

ELECTORAL SYSTEM

In late 1996 New Zealand held its first election under the Mixed Member Proportional Representation system (MMP), which resulted in a Coalition Government of National and New Zealand First parties. A formal Coalition Agreement was signed in December 1996, which included a section on women's affairs.

New measures to allow citizens initiated referenda have also been introduced during the reporting period.

THE TREATY OF WAITANGI AND MĀORI ISSUES

While CEDAW is concerned with the relative equality of the rights of women and men, the New Zealand Government recognises a further duty to consider the relative equality of Māori and non-Māori as a consequence of guarantees made under the 1840 Treaty of Waitangi.

During the reporting period progress has been made on the settlement of historical grievance claims by Māori against the Crown under the Treaty.

The New Zealand Government is actively seeking to settle well-founded grievances arising from the Treaty of Waitangi.

ECONOMY

Since 1984 successive governments have sought to establish an efficient, market oriented economy. The New Zealand economy is now in a strong position indicated by:

- six years of economic growth
- five years of government budgetary surpluses
- low levels of inflation
- increased employment and falling unemployment
- reduced levels of Crown debt
- an open and competitive economy.

Since 1991 the number of jobs in the economy has increased strongly, particularly in the community and social sector. Further information on employment is included in Article11: Employment.

New Zealand has seen consistently low rates of inflation over the past few years. Government policy intends to maintain price stability within a 0-3 percent inflation band.

Reducing levels of debt gives the Government greater flexibility in its revenue and expenditure policies. Spending on health, education, welfare and superannuation has increased almost 40 percent between 1990 and 1998, from $17,885 million per annum to $25,002 million per annum.

The Government continues to encourage an open economy through the removal of tariffs. This has resulted in a wider range of cheaper goods available for consumers.

The impact on women of Government policies over the reporting period is covered under the relevant articles.

IMPLEMENTATION OF CONVENTION

Previous reservations

New Zealand's previous reservations relating to women in combat and maternity leave with pay have remained during the reporting period.

Women in combat

The 1977 Human Rights Act included an exception allowing discrimination on the grounds of sex for crew members on aircraft and ships and in active combat roles (section 16(2)(a) and (b)). In the Human Rights Act 1993, the first exception was removed but the exception allowing sex discrimination for active combat duties has remained (section 33). The removal of the first exception has increased the career opportunities for women in the armed forces. Women's employment in the armed forces is fully described in Article 11: Employment.

The previous CEDAW report discussed the 1990 report of the Working Party on Women in Combat. While the Government has not implemented the recommendations of this report, in 1997 the Human Rights Commission contracted an equity consultant to undertake an audit of NZDF's programme for gender integration. The audit covers all policies and practices carried out within the NZDF that have any direct or indirect impact on the integration of women in the NZDF, and whether such policies and practices are discriminatory. However, the audit specifically does not cover issues relating to the current exclusion of women from combat. The audit report is expected to be completed in 1998.

Maternity leave with pay

While New Zealand's reservation on maternity leave with pay remains, during the reporting period government agencies have published research on parental leave policies, and on the use of existing parental leave provisions. Further details are provided in Article 11: Employment.

Compliance with Convention

There have been no substantive changes in the institutions which ensure the principle of equality is complied with in practice.

There have been some consequential changes to the Equal Opportunities Tribunal as a result of the Human Rights Act 1993. The Tribunal, now called the Complaints Review Tribunal, has jurisdiction in respect of the Human Rights Act 1993, the Privacy Act 1993, and the Health and Disability Commissioner Act 1994. The Complaints Review Tribunal is empowered to award monetary damages up to a limit of NZ$200,000 under the Act.

ADVANCEMENT OF WOMEN

Ministry of Women's Affairs

The Ministry of Women's Affairs is the Government's primary provider of gender-specific advice. Its vision is, 'Making a difference for women in Aotearoa New Zealand'. The Ministry, one of 39 government departments, has 37 staff and a budget of $4.546 million in 1997/98.

The Ministry's advice to the Government aims to significantly improve women's lives and addresses areas where women are disadvantaged in relation to men, and where Māori women are disadvantaged in relation to non-Māori women. The Ministry uses gender analysis to examine the differences in women's and men's lives and to identify the underlying causes of these differences.

The Government's response to the Beijing Platform for Action

New Zealand government representatives played an active role in the formulation of the *Platform for Action* which was adopted by the Fourth World Conference on Women, Beijing, September 1995. At the conference, the Minister of Women's Affairs announced that she planned 'to use the actions outlined in the *Platform* as the basis for developing a strategy for New Zealand women in terms of the areas of legislative, administrative and attitudinal change that still need attention'.

Immediately after the conference, the Government identified six cross-cutting themes where further action would be taken to improve the status of women. These are:

- mainstreaming a gender perspective in the development of all policies and programmes
- women's unremunerated work
- the gender pay gap
- the need for more and better data collection on all aspects of women's lives
- the *Platform*'s recommendations which are relevant to Māori women and girls
- enhancing women's role in decision-making.

In March 1996 the Government directed the Ministry of Women's Affairs to work with other relevant government departments and to report on progress and policy options to address these issues.

New Zealand has made significant progress in implementing the Beijing *Platform for Action* in the six key areas, and the relevant strategic objectives and actions in the *Platform* have been fully integrated into the work programme of the Ministry of Women's Affairs.

Highlights include:

- budget funding of $2.25 million for a diary-based time use survey over a whole year
- development of a research programme on the gender pay gap
- development of employment programmes directed at women, Māori and Pacific people
- publication of *The Full Picture: Guidelines for*

Gender Analysis, the Ministry's guideline for gender analysis

- holding more than 20 seminars on gender analysis for government departments
- an increase in the numbers of women appointed to government committees and boards
- the Ministry of Women's Affairs has worked with the Crown Company Monitoring Advisory Unit and the Institute of Directors to provide a training programme on corporate governance for potential Crown Company directors
- the Ministry of Women's Affairs has developed a project to profile the role and contribution of Māori women in business
- funding secured for improved statistical information about women's lives, including an extension to the Household Labour Force Survey, a survey on childcare, and a longitudinal survey of income dynamics.

Significant progress has also been made in a number of the other strategic objectives of the Beijing *Platform for Action*, notably:

- the introduction of the Domestic Violence Act 1995
- the development of a government strategy on Sexual and Reproductive Health, including providing two varieties of oral contraceptive free of charge
- implementation of a national breast cancer screening programme
- making the practice of female genital mutilation illegal in New Zealand
- the implementation of the Code of Health and Disability Services Consumers' Rights
- free visits to general medical practitioners for children under six years of age
- protection of children from sexual exploitation by New Zealand nationals in other countries.

Ethnic Affairs Service

The Ethnic Affairs Service was established in 1992 as part of the Department of Internal Affairs. The service provides policy advice and information to government and non-government agencies on issues relating to ethnic groups other than Māori and Pacific people, who are represented by their own ministries. The 1996 census indicated there are more than 50 such ethnic groups in New Zealand, comprising approximately 8 percent of the resident population.

The Ethnic Affairs Service has a strong interest in settlement issues and the difficulties new immigrants face with language barriers. Because language barriers and cultural barriers prevent segments of ethnic communities from gaining equal access to education, training and employment, a number of non-English-speaking immigrants are in low-skilled, low-paid employment. Newly arrived immigrants continue to experience higher levels of unemployment with their skills and qualifications not fully utilised.

The New Zealand Federation of Ethnic Councils is in the process of establishing a women's network within its structure.

Publications referred to

1991 New Zealand Census of Population and Dwellings, Wellington, Statistics New Zealand. General volumes published (1992): *National Summary; New Zealand Māori Population & Dwellings; New Zealand Population Structure; Pacific Island Population & Dwellings.*

1996 Census of Population and Dwellings, Wellington, Statistics New Zealand. Volumes published to end of 1997: *Māori*; *National Summary; Population and Dwellings Statistics.*

The Beijing Declaration and the Platform for Action: Fourth World Conference on Women, Beijing, China, 4–15 September 1995 1996, New York, United Nations Department of Public Information. Referred to in this text as *Platform for Action.*

The Coalition Agreement 1997, Wellington, NZ Government. Agreement to govern as a coalition, made 10 December 1996 between NZ National Party and New Zealand First.

Connors, Jane & Byrnes, Andrew 1996, *Assessing the Status of Women: A Guide to Reporting under the Convention on the Elimination of All Forms of Discrimination Against Women*, Minneapolis, International Women's Rights Action Watch; London, Women and Youth Affairs Division, Commonwealth Secretariat.

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Status of New Zealand Women 1992: Second Periodic Report on the Convention on the Elimination of All Forms of Discrimination Against Women 1992, Wellington, Ministry of Women's Affairs. First report (October 1986), with title 'New Zealand [sic] First Report to the United Nations Secretary General under Article 18 of the Convention on the Elimination of All Forms of Discrimination Against Women', was not formally published.

['Te Tiriti o Waitangi' = 'The Treaty of Waitangi'] 1840. Original signed manuscript held National Archives of New Zealand. Text also in contemporary printed versions and later facsimile editions, notably *Fac-similes of the Declaration of Independence and the Treaty of Waitangi* (Wellington, Government Printer, 1877).

ARTICLE 1 DEFINITION OF DISCRIMINATION AGAINST WOMEN

For the purposes of the Convention, the term 'discrimination against women' means any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

> ***The New Zealand constitution reflects and establishes that New Zealand is a monarchy, that it has a parliamentary system of government, and that it is a democracy. It increasingly reflects the fact that the Treaty of Waitangi is regarded as a founding document of government in New Zealand. The constitution must also be seen in its international context. New Zealand governmental institutions must increasingly have regard to international obligations and standards.***
>
> (Cabinet Office Manual, 1996)

New Zealand's constitution has not changed since the second periodic report to the CEDAW Committee.

TREATY OF WAITANGI

The Treaty of Waitangi is New Zealand's founding document. It recognises Māori as tangata whenua (indigenous people), and imposes obligations on the Crown, while also guaranteeing the full rights of citizenship to Māori. The Treaty provides the starting point for the development of a living relationship between the Crown, Māori and other New Zealanders which encompasses mutual respect, equal rights and active promotion of Māori culture.

NEW ZEALAND BILL OF RIGHTS ACT

The New Zealand Bill of Rights Act 1990 aims to affirm, protect and promote human rights and fundamental freedoms in New Zealand; and to affirm New Zealand's commitment to the International Covenant on Civil and Political Rights. It applies to acts done by the legislative, executive and judicial branches of the Government, or by any person or body in the performance of any public function, power or duty conferred or imposed on that person or body by or pursuant to law. It also affirms the right of everyone to freedom from discrimination on all the grounds set out in the Human Rights Act 1993.

HUMAN RIGHTS ACT

The Human Rights Act 1993 prohibits discrimination in a number of areas. These include employment matters; access to public places, vehicles and facilities; provision of goods and services; provision of land, housing and other accommodation; and access to educational establishments. Within these areas of public life it is unlawful to discriminate against a

person on the following grounds: sex (including pregnancy and childbirth), marital status, religious or ethical belief, colour, race, ethnic or national origins, disability, age, political opinion, employment status, family status (including the care of children or dependants) and sexual orientation.

INTERNATIONAL CONVENANTS

New Zealand has ratified international convenants which obligate governments to ensure women's and men's equal rights to enjoy all economic, social, cultural, civil and political rights. The New Zealand Government's policy is to ensure that its legislation, policies and administrative practices are consistent with such covenants prior to ratification.

A series of judgements during the reporting period have considered the impact of international instruments on administrative decision-making, and the role of international instruments as tools of statutory interpretation. Jurisprudence has developed in New Zealand which recognises the value of international agreements as tools for interpreting the legislative provisions which implement them into domestic law. However, international agreements do not automatically become part of New Zealand domestic law upon ratification, but must be enacted into law by Parliament.

Publications referred to

Human Rights Act 1993, Wellington, NZ Government. (Statutes of New Zealand. Public Acts, 1993 no.82)

New Zealand Bill of Rights Act 1990, Wellington, NZ Government. (Statutes of New Zealand. Public Acts, 1990 no.109)

NZ Cabinet Office 1996, *Cabinet Office Manual*, Wellington, Cabinet Office, Department of the Prime Minister and Cabinet.

['Te Tiriti o Waitangi' = 'The Treaty of Waitangi'] 1840. Original signed manuscript held National Archives of New Zealand. Text also in contemporary printed versions and later facsimile editions, notably *Fac-similes of the Declaration of Independence and the Treaty of Waitangi* (Wellington, Government Printer, 1877).

ARTICLE 2
ANTI-DISCRIMINATION MEASURES

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

(a) to embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realisation of this principle;

(b) to adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

(b) to establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

(d) to refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) to take all appropriate measures to eliminate discrimination against women by any person, organisation or enterprise;

(f) to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

(g) to repeal all national penal provisions which constitute discrimination against women.

PROGRESS

- The introduction of the Domestic Violence Act 1995.
- The appointment of a Health and Disability Commissioner.
- Budget funding of $2,250,000 for a diary-based time use survey over a whole year.
- Funding secured for improved statistical information about women's lives, including an extension to the Household Labour Force Survey, a survey on childcare, and a longitudinal survey of income dynamics.
- Mainstreaming gender analysis through the publication of The full picture – guidelines for gender analysis, by the Ministry of Women's Affairs; and a programme of seminars on gender analysis for government departments.

THE HUMAN RIGHTS ACT 1993

Supplementary material to New Zealand's second periodic report outlined the provisions of the Human Rights Act 1993.

This report refers specifically to aspects of the Act that relate to women, as other aspects are dealt with more fully in New Zealand's third periodic report under the International Covenant on Civil and Political Rights (CCPR/C/64/Add.10, paras 13–24).

Government compliance

Under the Human Rights Act 1993 the Government has until 31 December 1999 to ensure that conflicting legislation and government policies and administrative practices either comply with the provisions of the Human Rights Act or are preserved by new specific exemptions.

Section 5(1) of the Human Rights Act required the Human Rights Commission to examine all legislation and government policies and practices to determine whether any of their provisions constitute unlawful discrimination or conflict with the spirit or intention of the Act. The review, Consistency 2000, was being conducted by the Human Rights Commission with the assistance of government departments. However, in late 1997 the Government formally decided that the Consistency 2000 review was not justified and that the Human Rights Commission should be relieved of this statutory responsibility. In place of the review, the Government announced a number of other decisions:

- Government domestic policy and practice will be required to be non-discriminatory under the terms of the Human Rights Act 1993 unless that policy or practice is authorised by legislation or regulation.
- The Minister of Justice will report to Cabinet by the end of February 1998 on his discussions with other ministers on the scope of any specific exemptions relating to their portfolios which require statutory or regulatory action. These exemptions will have to be justified.
- Chief executives of government departments will be responsible for making sure that their department is complying with the Human Rights Act.
- Consistency of existing legislation with human rights principles and any justification for inconsistency will be assessed on an ongoing basis as it comes up for amendment.
- All proposed new legislation will continue to be required to be vetted for compliance with the New Zealand Bill of Rights Act 1990, which contains the same anti-discrimination grounds as the Human Rights Act.

The effect of these measures is that the Government will be properly subject to the Act, for example in such matters as employment, access to buildings and accommodation. In areas such as welfare benefits and health, where finite resources are targeted, the Government will continue to be able to take the necessary decisions. However, any discrimination not covered by existing exceptions will have to be authorised by legislation or regulations for which Government is accountable.

Exemptions to the Act

Section 27(3) of the Human Rights Act recognises that some discrimination on grounds of sex may be legitimate in some employment occasions where a 'reasonable standard of privacy' is required.

Exemptions in relation to disability are permissible where it would not be reasonable to expect the employer to provide the special facilities or services needed to perform the position satisfactorily and where there is an unreasonable risk of harm (Section 29). Exemptions remain in relation to family status where employment in national security is involved (Section 25) and to work carried on outside New Zealand.

The Act also exempts the offering or providing of superannuation or life insurance schemes with different terms for each sex, if those terms are based on actuarial data on the life expectancy, or accident or sickness rates of each sex. During the reporting period the High Court held that a private pension scheme which provided benefits based on qualifications such as marital status, age and disability was contrary to the Human Rights Act 1993. The Act was amended in 1994 to accommodate the provisions of existing private schemes and to require schemes established after 1994 to comply with the Human Rights Act 1993.

Indirect discrimination

In Section 65 the Human Rights Act also has a provision against indirect discrimination. Both the Human Rights Commission's Complaints Division and the Employment Tribunal have recently considered employment-related cases of indirect discrimination on the basis of family status or responsibilities. One of the cases related to a refusal to provide part-time work and another to a refusal to provide a slight modification of full-time working hours. These two cases could become important

precedents and assist the advancement of women in the workforce.

In a recent High Court judgement on indirect discrimination it was held that the right to freedom from discrimination guaranteed in the New Zealand Bill of Rights Act 1990 included freedom from indirect as well as direct discrimination. The plaintiff had argued that the Bill of Rights Act guarantee only applied to direct discrimination. This ruling will enable women, in some instances, to use the Bill of Rights to challenge policies or practices of government that have different impacts on women and men.

Complaints statistics

In the 1996/97 year the combined sex discrimination and sexual harassment complaints accounted for 43 percent of all complaints received by the Human Rights Commission. The vast majority of sex discrimination and sexual harassment complainants are women – 98.21 percent of the complainants between 1981 and 1993.

In the year ended 30 June 1997 there was a 45 percent increase in sexual harassment complaints, from 55 in 1995/96 to 80 in 1996/97, with 88 percent of such complaints in the area of employment. Employment remains the largest area of complaints at 62 percent of all complaints.

There have been a number of cases in the Employment Tribunal for breach of employment contract on the basis of discrimination under the Human Rights Act on grounds including family status, disability, sex discrimination, sexual harassment, marital status and age. While discrimination on grounds of race is illegal, few refugee or immigrant women complain to the Human Rights Commission.

THE DOMESTIC VIOLENCE ACT 1995

The Domestic Violence Act came into force on 1 July 1996. The definition of violence in the Act closely resembles the definition of violence used in the Declaration on the Elimination of Violence Against Women.

The Ministry of Women's Affairs was closely involved with preparation of the new legislation, which was introduced after an extensive round of consultation. Women's organisations, including the National Collective of Independent Women's Refuges, the YWCA and Rape Crisis actively participated in the development of the legislation. The Ministry of Women's Affairs has an ongoing role monitoring implementation issues.

The key legislative changes contained in the Act are:

- a new single protection order to replace non-violence and non-molestation orders
- changes to the meaning of violence to include psychological abuse (such as threats, intimidation and witnessing violence)
- all family and household members will be able to apply for protection orders (including heterosexual and same-sex relationships)
- increased penalties for breaches of a protection order, including a mandatory term of two years' imprisonment in cases where an individual has breached an order on two different occasions within a one-year period
- violent parents will not be entitled to custody of or access to children unless the child will be safe
- free legal aid for protection orders
- protection orders will be able to be enforced in some other countries
- special information, education and support programmes for women and children
- ensuring that courts should direct respondents to attend programmes aimed at stopping or preventing domestic violence
- allowing women to have support people present in court with them
- new privacy rules that allow the recipients of protection orders to apply to have their names removed from specific public registers (e.g. the motor vehicle licence register)
- new guidelines to ensure police arrest violent abusers
- automatic revocation of firearms licences.

Of particular significance for Māori, the Act:

- recognises that abuse can occur by members of the wider whānau (family group) other than just domestic partners
- specifies in regulations that programmes which are to be delivered to Māori clients must include tikanga Māori (values and concepts), including Mana wāhine (the prestige attributed to women), Tiaki tamariki (the importance of the safeguarding and rearing of children); and whanaungatanga (family relationships and their importance)
- ensures Māori representation on the panels which will approve programmes and programme providers.

At the time the Domestic Violence Act came into force, changes were also made to the Guardianship Act. Essentially, in custody and access cases where allegations of violence have been made against the person pursuing access, the court must determine whether there was violence and, if so, cannot make an order of unsupervised access unless that parent can satisfy the court that the child will be safe.

Where orders are sought under the Domestic Violence Act 1995, applicants for legal aid are now not required to make any financial contribution, nor is there now any power to impose a charge on the person's property as a way of securing the cost of any legal aid. This is a significant advance, as incurring further debt has been cited as a major barrier to access to justice for women.

THE HEALTH AND DISABILITY COMMISSIONER ACT 1994 AND CODE OF HEALTH & DISABILITY SERVICES CONSUMERS' RIGHTS

The Health and Disability Commissioner was appointed in 1994 with responsibilities including preparation of a Code of Health and Disability Services Consumers' Rights. The Code, which came into force on 1 July 1996, aims to promote the rights of consumers to receive services of an appropriate standard and to facilitate the fair, simple, and speedy resolution of complaints related to these rights. In particular, Right 2 states:

> *Every consumer has the right to be free from discrimination, coercion, harassment, and sexual, financial or other exploitation.*

Discrimination is defined in the Code as discrimination that is unlawful under Part II of the Human Rights Act 1993. Exploitation includes any abuse of a position of trust, breach of a fiduciary duty, or exercise of undue influence. The Health and Disability Commissioner may investigate alleged breaches of Right 2 by providers as it relates to the quality and delivery of health and disability services. In instances of possible discrimination by the provider, the Commissioner may refer any complaint to the Human Rights Commission. The Code is discussed more fully under Article 12: Health.

IDENTIFYING AND ADDRESSING THE REMAINING BARRIERS TO EQUALITY

Despite strong legislative provisions, available statistics indicate that there is still progress to be made to achieve equal outcomes and opportunities for men and women. Although there has been no systematic study of the causes or nature of the barriers to women's equality, the Government has sought to address these differences through the work of the Ministry of Women's Affairs and its response to the Beijing *Platform for Action.*

Information about women's lives

The Government identified the need for improved gender statistics and information about women's lives as a critical area for action in the Beijing *Platform for Action* if New Zealand is to improve its understanding of the barriers to equality, and has taken some significant steps to address gaps in statistical information.

Time Use Survey

In the 1997 Budget funding of $2.25 million over three years was announced for a comprehensive time use survey. The survey will be conducted by Statistics New Zealand and sponsored by the Ministry of Women's Affairs and will provide a robust benchmark of time allocation by New Zealanders.

The survey will provide time use information on population groups including men, women, Māori, non-Māori, the employed, the unemployed, urban and rural dwellers. It will also identify differences in the amounts of time that specific population groups spend on various activities. The survey will provide data on men's and women's unpaid productive activities such as household work, caring for family members and other people, and voluntary work in the community. In addition, the data will cover men's and women's participation in paid work, education and training, leisure and personal care.

This sort of information, which is currently unavailable, will be used to improve public sector policy and programme development in the health, employment and welfare sectors, and for population-based policy advice – for example, women, Māori and youth.

The Time Use Survey will be particularly useful in providing a first ever estimate of the time spent by Māori women in tribal organisations and other organ-

isations concerned with the maintenance of cultural activities, which is largely unpaid work. Furthermore, it will provide benchmark information which will assist in gauging the effort being put by all New Zealanders into preserving Māori culture.

A number of government agencies are already planning to use the results for policy and programme development, and the data generated will also be useful to non-government voluntary or non-profit organisations. The survey will also provide information on the amount of time people spend doing paid and unpaid work for different types of voluntary agency. This will help in understanding the resources voluntary agencies have available, and what they contribute to society and the economy.

Prime Minister and Minister of Women's Affairs, Hon Jenny Shipley, has said of the survey:

> *Unpaid work, including childcare, care for the elderly, household work, and voluntary community work, is crucial to the New Zealand economy but its value is largely ignored. The Time Use Survey will help us better understand how people balance these important social and economic responsibilities.*

Other statistical information

Details of the 1996 Household Disability Survey conducted by Statistics New Zealand are included in Article 12: Health.

During 1997, as part of the New Zealand response to the Beijing *Platform for Action*, the Ministry of Women's Affairs worked closely with other government agencies to secure funding for improved statistics, including an extension to the Household Labour Force Survey, a survey on childcare, and a longitudinal survey of income dynamics. The Ministry of Women's Affairs also published a statistical guide to the current position of women in the labour market.

Although significant advances have been made over the past year, there is a need to improve the collection and distribution of statistical information covering Māori, Pacific people and ethnic minorities.

Access to information

Informing women about their rights and how to take action to ensure these rights are complied with has proven to be an effective way of addressing and preventing discrimination. The Government has sought to improve the distribution of information to women, including producing information pamphlets in Māori and Pacific languages. When the Domestic Violence Act 1995 came into force, it also undertook an extensive information campaign to ensure that women were fully informed about their rights.

The Law Commission is currently reviewing women's access to justice, including access to legal information, in a project which is described in detail under Article 15: Equality before the Law and in Civil Matters.

The New Zealand Law Society also runs a Law in Schools programme aimed at educating young people about their rights and responsibilities under the law and to encourage an appreciation of how they can participate in the legal system.

Both the Human Rights Commission and the Department of Labour's Industrial Relations Service provide toll-free telephone numbers nationwide. An annual survey of callers to the Industrial Relations Service information lines show that women are the majority of callers: 61 percent in 1995; 64 percent in 1996.

In 1995 the Ministry of Women's Affairs published pamphlets for women on their employment rights.

The New Zealand Association of Citizens Advice Bureaux (CAB) have 91 bureaux nationwide, which deal with over half a million enquiries per year. Seventy percent of their clients are women, and the majority of enquiries relate to budgeting services, legal services and rights, and welfare services. In February 1996 CAB conducted a survey of enquiries made by women for legal advice or information. Seventeen percent of enquiries were for information on obtaining legal advice. Fourteen percent related to separation and other marital matters; 8 percent to custody, abusive and violence situations; and 8 percent to housing and employment matters.

The availability of information in ways and forms which suit Māori and Pacific women, and women from different ethnic groups, may also be a barrier to their achieving full access to anti-discrimination measures.

Participation

Enhancing the role of women in decision-making was recognised as a critical area for action in the Beijing *Platform for Action*. Activities designed to overcome existing barriers are described under Article 7: Political and Public Life.

Mainstreaming gender analysis

In March 1996, as part of its response to the Beijing *Platform for Action*, the Government directed the Ministry of Women's Affairs to work with other

government departments and agencies on mainstreaming a gender perspective in the development of all policies and programmes and, since then, the Ministry has published *The Full Picture – guidelines for gender analysis* and conducted over 20 gender analysis seminars. The focus for the Ministry in the medium term is to work with central agencies on improving the quality of policy advice provided to government, by developing a means of ensuring that other government agencies are accountable for implementing gender analysis in all aspects of their work. The Ministry also plans to develop a Māori Women's Analysis Framework to put gender analysis in the context of the Treaty of Waitangi.

Publications referred to

The Beijing Declaration and the Platform for Action: Fourth World Conference on Women, Beijing, China, 4–15 September 1995 1996, New York, United Nations Department of Public Information. Referred to in this text as *Platform for Action.*

Contraception, Sterilisation and Abortion Act 1977, Wellington, NZ Government. (Statutes of New Zealand. Public Acts, 1977 no.112; RS 28)

Domestic Violence Act 1995, Wellington, NZ Government. (Statutes of New Zealand. Public Acts, 1995 no.86)

Guardianship Act 1968, Wellington, NZ Government. (Statutes of New Zealand. Public Acts, 1968 no.63; RS 9)

Health and Disability Commissioner Act 1994, Wellington, NZ Government. (Statutes of New Zealand. Public Acts, 1994 no.88)

Health and Disability Commissioner (Code of Health and Disability Services Consumers' Rights) Regulations 1996 (New Zealand. Statutory Regulations, 1996 SR 1996/78) Also published by the Commissioner as a pamphlet with the title *Code of Health and Disability Consumers' Rights* (1996).

Human Rights Act 1993, Wellington, NZ Government. (Statutes of New Zealand. Public Acts, 1993 no.82)

Human Rights in New Zealand: New Zealand's Third Report to the United Nations Human Rights Committee on Implementation of the International Covenant on Civil and Political Rights 1995, Wellington, Ministry of Foreign Affairs and Trade.

New Zealand Bill of Rights Act 1990, Wellington, NZ Government. (Statutes of New Zealand. Public Acts, 1990 no.109)

The Full Picture – guidelines for gender analysis, Ministry of Women's Affairs, New Zealand, 1996.

ARTICLE 3
THE DEVELOPMENT AND ADVANCEMENT OF WOMEN

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

New Zealand's second periodic report to the CEDAW Committee outlined the progress made on eliminating legal discrimination against women. See Article 2: Anti-Discrimination Measures for the period January 1994 to February 1998.

WOMEN WITH DISABILITIES[1]

The 1996 Household Disability Survey carried out by Statistics New Zealand found that 19 percent of the New Zealand population live with a disability or long-term health problem. The analytical data specifically relating to women will become available during 1998. A full description of the survey is contained in Article 12: Health.

Over half (52 percent) of people with disabilities are women. Sixty-one percent of women aged 75 and over and resident at home have a disability, often age-related. Impaired mobility is the most common disability to affect women in all age groups, especially women in the older age groups. Details are provided under Article 12: Health.

At 34 percent, the labour force participation rate for women with disabilities is less than for other women (56 percent). The largest occupational groups for women with disabilities are service and sales work (17,400), clerical (16,300), and elementary occupations (11,800). The next highest groups are now the professions (10,600) and technicians and associated professional groups (9,700).

Human Rights Act 1993

In the 1996/97 year 19 percent of the formal complaints to the Human Rights Commission were on the grounds of disability, with over half of the complaints relating to the provision of goods and services. It is not known how many of these complaints were made by women.

The Human Rights Commission has recently funded an advocacy training programme to increase the confidence of people with disabilities in making a complaint about discrimination.

Support

The Household Disability Survey revealed that women with disabilities have a high rate of home ownership, and many older women who have a disability own their own homes. Younger women, especially those who have acquired a disability at an early age, are more likely to live in rented accommodation, including that provided by Housing New Zealand, the government-owned rental housing enterprise.

As a result of a complaint made to the Human Rights Commission, accessible bus services have been introduced on a few urban routes. Subsidised taxi vouchers are available in most urban centres and in some smaller rural centres, under the Total Mobility Scheme for people with mobility disabilities, which is administered by local government authorities.

The Department of Social Welfare provides a supplementary disability allowance to people who receive welfare benefits, New Zealand Superannuation retirement income, or low wages, to help meet additional costs such as transportation or medication.

1 This section is included under Article 3 in line with the CEDAW Committee's General Recommendation no.18 (Tenth Session, 1991)

The provision of those disability support services provided in the health sector is covered under Article 12: Health.

Publication referred to

Human Rights Act 1993. Wellington, NZ Government. (Statutes of New Zealand. Public Acts, 1993 no.82)

ARTICLE 4
ACCELERATION OF EQUALITY BETWEEN MEN AND WOMEN

(1) Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

(2) Adoption by the States parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

EQUAL EMPLOYMENT OPPORTUNITIES

Details of equal employment opportunities to reduce systemic discrimination against a range of groups, including women, are described under Article 11: Employment.

TEMPORARY MEASURES

The Human Rights Act 1993 protects temporary measures provided they are put in place to assist persons or groups of persons against whom discrimination would be unlawful, and who may need assistance or advancement in order to achieve an equal place with other members of the community. The Act also removed the requirement to seek approval from the Human Rights Commission for such programmes. While this made it easier to establish programmes, data on such programmes is not readily available.

Section 74 of the Human Rights Act provides that favourable treatment granted because of a woman's pregnancy or childbirth, or a person's responsibility for care of children or other dependants, does not constitute a breach of that Act.

MATERNITY PROTECTION

There have been no significant changes to the law on maternity protection during the reporting period. Some of the measures for antenatal women and for discrimination against parents are outlined under Article 12: Health and Article 11: Employment.

MEASURES TO ADDRESS BARRIERS TO EQUALITY IN EMPLOYMENT

Measures to address barriers to equality in employment are outlined in Article 11: Employment.

Publication referred to

Human Rights Act 1993, Wellington, NZ Government. (Statutes of New Zealand. Public Acts, 1993 no.82)

ARTICLE 5
SEX ROLES AND STEREOTYPING

States Parties shall take all appropriate measures:

(a) to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

(b) to ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

PROGRESS

- Research and projects on combining work and family responsibilities.
- Implementation of the Films, Videos, and Publications Classification Act 1993.
- Establishment of the Censorship Compliance Unit within the Department of Internal Affairs.
- Use of the media to counter domestic violence.

FAMILY LIFE

In 1995 the Ministry of Women's Affairs, the Equal Employment Opportunities Trust, and the Employers' Federation undertook the Work & Family Directions project, which was sponsored by Telecom New Zealand. The project was designed to assist employers who were prepared to make commitments to enhance work and family policies within their organisation and to develop 'best practice' family-friendly strategies. Fifty-two public and private sector companies participated in a nationwide project over a 12-month period.

The project publication, *Work & Family Directions: What New Zealand Champions are Doing*, provides examples of and information about family-friendly policies and practices which focus on a range of practical options, most of which are low cost and simple to implement. An ongoing network has been established and in 1998 the inaugural EEO Trust Work & Family Awards will be presented.

In 1996 CM Research carried out an analysis of New Zealanders and their attitudes to family life and the relationship between employment and quality of family life. The survey found that people in paid employment have the most positive feelings about family life, while women in the home were less hopeful that family life is improving or happier. One-third of the people surveyed felt that companies are becoming more accommodating of working parents.

Family education

Family education remains a part of the new national curriculum in schools, details of which are contained in Article 10: Education.

CENSORSHIP

The Films, Videos, and Publications Classification Act 1993 came into force on 1 October 1994. The Act contains offence provisions relating to both possession and supply of objectionable materials and since its introduction a number of successful prosecutions have been taken against individuals and companies.

In addition to the Office of Film and Literature Classification established by the Act, the Department of Internal Affairs Censorship Compliance Unit employs six inspectors of publications whose task is to enforce the Act. Inspectors have the right to enter any premises open to the public where publications are being offered for supply or being publicly displayed, and may seize any publication that they believe, on reasonable grounds, is being offered for supply in contravention of any existing classification, or any publication which has not been classified which may be being made available in contravention of the Act. They may also seize any publication which they believe, on reasonable grounds, to be objectionable, and may obtain search warrants where there are reasonable grounds to believe that objectionable publications are being supplied.

As at November 1997 there have been five successful prosecutions relating to the Internet. Since the June 1996 establishment of the Censorship Compliance Unit in the Department of Internal Affairs, 41 prosecution cases have been prepared, 27 of which relate to the trade of child pornography on the Internet.

STEREOTYPING

Images of women in the media inform and influence society about women's roles and how a society values or treats women. New Zealand censorship law is drawn from the public view that there should be some constraints on the level of violence and negative images of people portrayed in the media. In addition to the work of the Office of Film and Literature Classification, images of women in the media are regulated through the Advertising Standards Authority and the Broadcasting Standards Authority.

VIOLENCE AGAINST WOMEN

During the reporting period there have been comprehensive advertising and public awareness campaigns to counter violence against women, particularly domestic violence. Television has been used extensively by government agencies.

There has been extensive debate in New Zealand about the extent to which aggression and violent behaviour are learned, how they are learned, and the influence of the media, particularly television. There has also been debate about the effects of violence against women being portrayed in the media. An outline of the measures to address violence against women is contained under Article 12: Health. Domestic violence is addressed under Article 16: Marriage and Family Life.

The National Collective of Rape Crisis and Related Groups of Aotearoa (Rape Crisis) is a non-profit organisation that provides support and counselling for rape and sexual abuse victims. They also provide education and public awareness campaigns, and training for professionals in the area of sexual violence.

Rape Crisis is largely funded by the Department of Social Welfare and the Lottery Grants Board, with some assistance from philanthropic trusts. From 1992 to 1996, it provided counselling for over 6,000 new clients.

SEXUAL ABUSE OF CHILDREN

The Children and Young Persons and their Families Service (CYPFS) and the New Zealand Police are the main agencies that investigate child sexual abuse notifications.

The 1995 policy and guidelines for the investigation of child sexual abuse and serious physical abuse form the basis of a joint procedure. The primary function of CYPFS is the investigation and assessment of whether the child is in need of care and protection. The primary responsibility of the Police is the investigation of offences and, where appropriate, prosecution. CYPFS community liaison social workers educate the public about the nature of sexual abuse, its detection and prevention.

In 1996/97 year, 10.2 percent of the cases investigated by CYPFS where abuse was found were sexual abuse cases. The rights of child sex abuse victims are reported on in New Zealand's report on the Convention on the Rights of the Child, Number 2, May 1997.

Publications referred to

Convention on the Rights of the Child: Presentation of the Initial Report of the Government of New Zealand 1997, Wellington, Ministry of Foreign Affairs and Trade. (Human rights, no.2, May 1997)

Film, Videos, and Publications Classifications Act 1993, Wellington, NZ Government. (Statutes of New Zealand. Public Acts, 1993 no.94)

Work & Family Directions: What New Zealand Champions are Doing = Te Whakapakari i te Mahi me te Whānau: Ngā Mahi kei te Mahia e ngā Toa o Aotearoa 1995, Wellington, Ministry of Women's Affairs, NZ Employers' Federation, Equal Employment Opportunities Trust.

ARTICLE 6
SUPPRESSION OF THE EXPLOITATION OF WOMEN

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

PROGRESS

- Legislative change to protect children from sexual exploitation by New Zealand nationals in other countries.

ILLEGAL IMMIGRANTS AND PROSTITUTION

The New Zealand Immigration Service relies on the public or employers to provide information about illegal workers and, where appropriate, takes compliance action. In November 1995 the Immigration Service implemented a national strategy to target industries that have a history of employing people illegally and industries which are likely to employ illegal workers, including the sex industry.

In 1996 the Immigration Service, together with the Police, investigated massage parlours suspected of employing illegal workers who are predominantly women, mainly from Thailand. As these women have little or no English language skills they are vulnerable to exploitation. Some parlour owners hold the documents of national identity of these women, preventing them from returning to their home countries. In 1993 it was estimated that about 65 to 70 women in five parlours had been treated in this way. The New Zealand Prostitutes Collective (NZPC) has reported that these women are often reluctant to report exploitation to government agencies such as the Police as they fear prosecution for their own involvement in illegal activities. Some women have been convicted and deported for soliciting.

PROTECTION OF MINORS

The Crimes Amendment Act 1995 contains provisions creating an extra-territorial offence for sexual conduct with children by New Zealanders who are overseas. Children in other countries are therefore accorded the same standard of protection under New Zealand law from sexual abuse as children living in New Zealand. The Act also makes it illegal in New Zealand to assist other people to travel overseas for the purpose of having sex with children, or to promote child sex tours.

New Zealand's current policies and laws comply with the terms of the Stockholm Declaration and Agenda for Action.

NEW ZEALAND PROSTITUTES COLLECTIVE

The New Zealand Prostitutes Collective (NZPC) received government funding of $300,000 in 1996/97 and employs four full-time and seven part-time workers, with additional voluntary workers. NZPC operates community drop-in centres in the main cities and outreach services are provided in provincial cities and towns.

NZPC and other non-government organisations, including the Federation of Business and Professional Women and the YWCA, are lobbying for the decriminalisation of prostitution. There are two key issues of

concern for those seeking changes to the law: the vulnerability of sex workers, and the risk to them of the spread of HIV/AIDs.

Under section 26 of the Summary Offences Act 1981 it is an offence for a sex worker to offer sex for money in a public place, but it is not an offence to pay for sex. Although the sex industry in New Zealand is virtually free of HIV/AIDS because prostitutes are well-educated on modes of transmission and prevention there is concern amongst health professionals about the potential for the spread of HIV under the current legal regime. Sex workers may be coerced or forced to perform services they would rather not, including those which put their health at risk.

Publications referred to

Crimes Amendment Act 1995, Wellington, NZ Government. (Statutes of New Zealand. Public Acts, 1995 no.49)

Summary Offences Act 1981, Wellington, NZ Government. (Statutes of New Zealand. Public Acts, 1981 no.113; RS 28)

ARTICLE 7
POLITICAL AND PUBLIC LIFE

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country, and, in particular, shall ensure to women, on equal terms with men, the right:

(a) to vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

(b) to participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government; and

(c) to participate in non-governmental organisations and associations concerned with the public and political life of the country.

PROGRESS

- Increased political participation by women.
- Both the Prime Minister and the Leader of the Opposition are women.
- The Prime Minister has retained responsibility for the Women's Affairs portfolio.
- Women make up 30 percent of the New Zealand Parliament.
- An increase in the numbers of women appointed to government committees and boards.
- A number of initiatives are underway to further increase the number of women in decision-making positions.
- NGO activities to heighten awareness about the fourth World Conference on Women and the Platform for Action.

CENTRAL GOVERNMENT

Changes in electoral system

New Zealand's electoral system was changed during the reporting period to the new Mixed Member Proportional Representation system (MMP), details of which are contained in New Zealand's third periodic report under the International Covenant on Civil and Political Rights (CCPR/C/64/Add.10). Under MMP the total number of seats increased from 99 to 120, made up of 60 general electorate seats, five Māori electorate seats and 55 list seats. The first general election under the new system took place in October 1996.

Women in government

Thirteen (21.3 percent) of the 61 Coalition Government Members of Parliament are women, up from 12 percent in the previous government. Three of the 24 ministers are women. On 8 December 1997 Hon Jenny Shipley was sworn in as

New Zealand's first woman Prime Minister, and she retained responsibility for the Women's Affairs portfolio. The two other women ministers are outside Cabinet.

Women in Parliament

Thirty-six of the 120 seats in Parliament are held by women, increasing the percentage of women in Parliament from 21 percent to 30 percent. Of these, six seats (5 percent) are held by Māori women, an increase from two (2 percent). The 1996 election also saw the first Asian New Zealand woman elected to Parliament. Women hold 26 of the 55 list seats (47.3 percent) and 10 of the 65 electorate seats (15.4 percent). The leaders of the two largest parliamentary political parties are women, while three other parties have women leaders or co-leaders.

It is unclear whether women's increased representation in Parliament is due to the changed electoral system or is part of a continuing trend toward greater political participation by women. In the four elections since 1987, women's parliamentary representation has increased from 14 percent to 30 percent, while Māori women's representation increased from 1 percent to 5 percent.

Under MMP the ranking of women on party lists is crucial in determining the number of women in Parliament. If a party's women candidates are concentrated in the upper ranks of the list, that party's proportion of women MPs is likely to be higher than the actual proportion of women on the party list.

Electoral petitions

To mark the centenary of women winning the vote in New Zealand in 1993, Marilyn Waring, Jocelyn Fish and Dame Georgina Kirby organised petitions seeking an amendment to the Electoral Act 1993 'to ensure equality of, and parity in, gender representation in New Zealand's elected representatives'.

The Government's response was:

The Government agrees that greater representation of women in the House of Representatives is highly desirable. One of the advantages ascribed by the Royal Commission on the Electoral System to an MMP electoral system was that political parties would have an incentive to select party lists that fairly represented the electorate. Section 264 of the Electoral Act 1993 provides for the appointment of a select committee in 2000 to review various aspects of the electoral system including the provisions of the Act dealing with Māori representation. The House of Representatives might consider inviting this select committee to also examine the extent to which party lists have resulted in better representation of women in the House and what changes, if any, to the electoral system might appropriately be made to further enhance the representation of women.

LOCAL GOVERNMENT

There are 86 elected local government organisations in New Zealand. In the 1995 local government elections 15 women were voted mayor (17.4 percent), while 297 women were elected as representatives out of a total of 1,056 (28 percent). Thirty-nine (13 percent) identified themselves as Māori women in a recent survey of local government politicians.

The research report *Change and Diversity: Opportunities for and Constraints on Rural Women In New Zealand* (Rivers 1997) reports that nationally women have higher levels of representation on city councils than district councils (i.e. outside of cities) although district council representation has been increasing in successive local body elections. This trend is expected to continue.

In 1995, for the first time, women were elected to the representative body of local government, Local Government New Zealand. This body represents local government nationally and advocates its interest to central government, business, social and community groups. The chief executive of Local Government New Zealand is also a woman.

WOMEN AND THE LAW

Judiciary

There has been an increase in women's representation in the judiciary over the reporting period. Three women have been appointed as High Court judges (9 percent) and, of the 98 District and Family Court judges, 16 are women (16 percent). There are no women yet in the Court of Appeal, although during the reporting period women High Court judges have served on the Appeal Court for short periods.

Legal profession

The Law Commission now has a majority (three of a total of five) of women Law Commissioners, including one Asian woman and a recently appointed Māori woman. In 1997 30.5 percent of lawyers with practising certificates were women, and 12 percent of principals in law firms are women. At the 1996 census

there were 291 Māori lawyers (4.4 percent of all practising lawyers) and 81 Pacific lawyers (1.2 percent of all practising lawyers).

In 1993 women comprised 38 percent of members of district legal services committees. The Legal Services Board has three women and four men.

A 1996 publication, *Without Prejudice: Women in the Law* (Gatfield 1996), traced the evidence of sex discrimination and gender bias in the New Zealand legal profession and judiciary over the last 100 years. Both professions were seen to be failing to uphold gender equity. The study also pointed to ways in which gender equity in the legal profession can be achieved. In 1996 all New Zealand judges attended a gender equity seminar on issues for women in the justice system.

WOMEN IN DECISION-MAKING

Public service

In February 1998 seven women headed government departments. The Secretary to the Cabinet is also a woman.

In June 1997 women made up 54.3 percent of public service staff, compared to 50.1 percent in 1991. The proportion of women earning over $60,000 increased from 0.5 percent in 1991, to 4 percent in 1997. In 1997, 39.2 percent of women public servants earned less than $30,000, compared to 16.7 percent of men. Of Māori women in the public service, 39.1 percent of earned less than $30,000 and 2.5 percent earned over $60,000.

Public service staffing and salary information 1991 and 1997

	% 1991	% 1997
Women in public service	50.1	54.3
Women earning over $60,000	0.5	4.0
Women earning less than $30,000	61.0	39.2
Men earning less than $30,000	30.0	16.7
Māori women earning less than $30,000	NA	39.1
Māori women earning more than $60,000	NA	2.5

Statutory boards

As part of New Zealand's response to the Beijing *Platform for Action*, the Ministry of Women's Affairs is working with other government agencies to enhance women's role in decision-making through a government commitment to gender balance on all government-appointed committees, boards and other relevant official bodies. The Ministry of Women's Affairs is aiming at 50 percent of women on statutory boards by the year 2000. In 1996, 31.4 percent of appointments or reappointments made by the Cabinet Committee on Appointments and Honours were women. The comparable figure for 1993 was 25 percent.

Sixty-eight (19 percent) of the 351 chairpersons or directors of Crown company boards are women. On 19 September 1997, the 104th anniversary of women winning the vote in New Zealand, the Minister of Women's Affairs, Hon Jenny Shipley, announced plans to improve this proportion. The Crown Company Monitoring and Advisory Unit, in association with the Ministry of Women's Affairs, held a training course for potential directors on corporate governance and accountability. Further seminars and a mentoring project are planned for 1998. The seminars are to assist suitably experienced and competent women to acquire the skills to serve on statutory boards.

Māori women

Māori women have diverse identities in New Zealand. The Treaty of Waitangi provides a framework for the interaction of Māori and the Government, and as such it supports Māori women both as individual citizens and as members of their tribes and families.

In 1993 a Mana Wāhine claim was filed in the Waitangi Tribunal by the Māori Women's Welfare League, all its past presidents, and others, which is still to be heard. The claimants assert that Māori women have been '... systematically deprived of their spiritual, cultural, social and economic wellbeing by Crown actions and policies ... in breach of Articles II and III of the Treaty of Waitangi', and that the position of Māori women has been diminished through '... the Crown's failure to accord Māori women status and power within the political, cultural, social and economic structures that it has created'. The claimants contend that they are prejudiced by the non-appointment of Māori women to bodies that administer, develop policy for, and foster the political, economic and social objectives of Māori.

Although there is little available information on the numbers of Māori women in decision-making positions in the private sector, a number of highly skilled Māori women now hold positions of responsibility in diverse industries. The number of self-employed Māori women has more than

quadrupled between 1991 and 1996 to 7 percent of Māori women in employment. The Māori policy unit of the Ministry of Women's Affairs, Te Ohu Whakatupu, is promoting these women as highly skilled potential directors and as role models for other Māori women.

Trade unions

In 1997 the New Zealand Council of Trade Unions (NZCTU) conducted its fourth Women in Unions survey published as *Moving Mountains: The Progress of Women in New Zealand Unions.* Although overall union membership has dropped since 1996, the survey revealed that women make up 57 percent of NZCTU members, a rise from 52 percent in 1994. The study also revealed that women make up 51 percent of NZCTU delegates, a rise from 46 percent in 1994. Women in higher positions in unions are heavily concentrated in female-dominated unions and have a low level of representation in elected and national executive positions in male-dominated unions. However, the Secretary of the New Zealand Council of Trade Unions is a woman. Some unions have also joined an international campaign to encourage women to join the trade union movement through recruitment by existing members.

Non-government organisations (NGOs)

The *Directory of Women's Organisations and Groups in New Zealand*, published by the Ministry of Women's Affairs since 1994, lists 95 national women's organisations, 39 Māori women's organisations, and hundreds of regional women's groups.

A number of government departments and ministries regularly consult with NGOs to ensure that their views are incorporated into the advice provided to ministers. Organisations such as the National Council of Women make regular submissions to parliamentary select committees considering legislation. The Ministry of Women's Affairs regularly consults with women's organisations on general issues and also on policy issues where non-governmental organisations have specialist knowledge. NGO representatives also meet regularly with ministers.

Beijing Conference 1995

The fourth World Conference on Women provided a focus for NGOs during the reporting period. An NGO Coordinating Committee was formed to liaise with government and to seek funding and sponsorship prior to the conference. This committee produced a display at the NGO Forum (Forum '95) and an information booklet which was widely circulated. After the conference the committee held 21 consultative meetings throughout New Zealand to inform women about the outcomes of the conference and to identify priority areas for action in New Zealand. A report on these meetings was prepared and distributed widely. Individual NGOs also discussed the *Platform for Action.*

Publications referred to

The Beijing Declaration and the Platform for Action: Fourth World Conference on Women, Beijing, China, 4–15 September 1995 1996, New York, United Nations Department of Public Information. Referred to in this text as *Platform for Action.*

Directory of Women's Organisations and Groups in New Zealand = Te Rārangi Ingoa o ngā Rōpū Wāhine kei Aotearoa nei 1994–,Wellington, Ministry of Women's Affairs.

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Gatfield, Gill 1996, *Without Prejudice: Women in the Law,* Wellington, Brookers.

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Human Rights in New Zealand: New Zealand's Third Report to the United Nations Human Rights Committee on Implementation of the International Covenant on Civil and Political Rights 1995, Wellington, Ministry of Foreign Affairs and Trade.

Moving Mountains: The Progress of Women in New Zealand Unions 1997 1997, Wellington, New Zealand Council of Trade Unions.

Rivers, Mary-Jane 1997, *Change and diversity: Opportunities for and Constraints on Rural Women in New Zealand,* Wellington, MAF Policy. (MAF Policy technical paper, 97/11)

['Te Tiriti o Waitangi' = 'The Treaty of Waitangi'] 1840. Original signed manuscript held National Archives of New Zealand. Text also in contemporary printed versions and later facsimile editions, notably *Fac-similes of the Declaration of Independence and the Treaty of Waitangi* (Wellington, Government Printer, 1877).

ARTICLE 8
INTERNATIONAL REPRESENTATION AND PARTICIPATION

States Parties shall take all appropriate measures to ensure women, on equal terms with men and without any discrimination, the opportunity to represent their governments at the international level and to participate in the work of international organisations.

WOMEN IN THE DIPLOMATIC SERVICE

During the period since the last report the percentage of staff of the Ministry of Foreign Affairs and Trade who are women has remained relatively static, although the percentage of women in policy positions has increased by approximately 7 percent. Significant increases include the proportion of women at the highest policy level (ER 5) which has increased by 100 percent (18 percent women in 1997 compared to 8.9 percent in 1991) and at the lowest policy level (ER 2) which increased by 11.5 percent (51 percent in 1997, compared to 39.5 percent in 1991).

The number of women holding important overseas posts has increased in the period under review. At the beginning of 1998, 9 out of 50 head of mission positions were held by women, including posts such as Mexico, Rome, Buenos Aires and Vienna. There were also 17 female deputy heads of mission. The Ministry also appointed its first female deputy secretary in 1997.

As at June 1997 the Ministry of Foreign Affairs and Trade had 30 women staff who identified as Māori.

In 1993 the Ministry completed a research project on recruitment, retention and attrition of women staff members from 1973–1993. The Ministry has since introduced new policies to assist in retaining women staff members, including childcare reimbursement, flexible working hours and employing a family liaison coordinator. The Ministry currently provides career development courses for its women officers and supports women staff through its mentoring scheme. The Women's Staff Network has the opportunity to contribute to the Ministry's Equal Employment Opportunity (EEO) strategic documents and plans.

INTERNATIONAL ORGANISATIONS

Dame Silvia Cartwright continued as a member of the Committee on the Elimination of Discrimination Against Women, and Alison Roxburgh is one of the vice-presidents of the International Council of Women. A number of other New Zealand women have played an active role in international non-governmental organisations during the reporting period.

UNITED NATIONS CONFERENCES

Women have also taken leading roles in New Zealand delegations to major UN Conferences on human rights at both ministerial and officials levels. New Zealand was represented by women ministers at the World Conference on Human Rights (Vienna, 1993), the International Conference on Population and Development (Cairo, 1994) and the Beijing World Conference on Women (1995). With the exception of the International Conference on Population and Development, women also led the delegations of officials to those conferences, and also to the UN World Summit for Social Development (Copenhagen, 1995) and the Habitat II Conference (Istanbul, 1996).

Fourth World Conference on Women, Beijing, 1995

The New Zealand delegation was led by the Minister of Women's Affairs, Hon Jenny Shipley, and the Chief Executive of the Ministry of Women's Affairs. Members of the delegation included two Members of Parliament, the Chief Human Rights Commissioner, and departmental officials from the Ministries of

Women's Affairs and Foreign Affairs and Trade, and Statistics New Zealand. Three non-government organisation representatives were also members of the delegation and New Zealand women also participated in the conferences as members of accredited NGOs.

About 80 New Zealand women participated in the NGO Forum (Forum '95). The NGO Coordinating Committee mounted a display, which showed how a number of key issues for New Zealand women had been addressed and widely circulated an informative booklet. Eight NGO representatives received funding from the government to assist with the costs of participating in Forum '95.

Publications referred to

NZ Ministry of Foreign Affairs and Trade 1993/94–, *Corporate Plan*, Wellington, The Ministry

NZ Ministry of Foreign Affairs and Trade 1993/94–, *Equal Employment Opportunities Plan*, Wellington, The Ministry

ARTICLE 9
NATIONALITY

(1) States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

(2) States Parties shall grant women equal rights with men with respect to the nationality of their children.

CITIZENSHIP

There has been no change since New Zealand's second periodic report.

PASSPORTS

As reported in the second periodic report, since 1992 children under the age of 16 have been issued with their own passport, which is obtained with the written consent of one parent or guardian.

Where a parent or guardian has a well-founded fear that a child may be removed from New Zealand in breach of a right of custody or access to the child, that parent or guardian may seek an order to prevent the removal of the child from New Zealand. Where such an order is made by the court, it may be coded into the New Zealand Customs Automated Passenger Processing System to alert Customs officials if an attempt is made to remove the child from New Zealand.

ARTICLE 10
EDUCATION

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(a) the same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

(b) access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

(c) the elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging co-education and other types of education which will help achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

(d) the same opportunities to benefit from scholarships and other study grants;

(e) the same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

(f) the reduction of female student drop-out rates and the organisation of programmes for girls and women who have left school prematurely;

(g) the same opportunities to participate actively in sports and physical education;

(h) access to specific educational information to help ensure the health and well-being of families, including information and advice on family planning.

PROGRESS

- Increase in the participation of children under five in early childhood education programmes.
- Māori pre-school enrolments grew by 25 percent between 1992 and 1996.
- An increase in women graduates from tertiary education.
- The number of Māori students in tertiary education has more than doubled.
- A new draft health and physical education curriculum statement has been released for public discussion.

The reporting period has seen the continued implementation and refining of the administrative reforms initiated in 1989. Government expenditure on education in 1996/97 was $5021 million, which represents 16.1 percent of total government spending and 5.5 percent of Gross Domestic Product. This compares with $4539 million in 1993.

Since 1992 there has been a gradual improvement in the position of women and girls within the education system. More children are participating in some form of early childhood education, school retention rates are improving overall, and more women are participating in post-compulsory education and training. Although the Girls and Women section of the Ministry of Education policy division has been disestablished since the last report, the Ministry of Education continues to monitor educational outcomes for females.

In 1998 the Government released for public consultation *Making Education Work for Māori*, an education strategy for Māori developed by the Ministries of Education and Māori Development. The strategy aims to encourage Māori students to stay in education longer and to achieve higher goals.

Further information on children and education is contained in New Zealand's initial report to the United Nations on the Convention of the Rights of the Child (CRC/G/28/Add.3).

ACCESS AND PARTICIPATION

Early childhood education

From 1992 to 1997 participation of children under five in early childhood education programmes has increased from 46 percent to 56 percent. Much of this increase has occurred at age two (from 38 percent to 50 percent) and at age three (from 73 percent to 86 percent). In 1997, 96 percent of all four-year-olds were in some form of early childhood care and education. Women's increasing participation in the work force, better understanding of the value of early childhood education, and the availability of a wider range of services, contributed to the steady climb in enrolments. Girls and boys are evenly represented across the range of early childhood services, with 83,187 boys and 77,104 girls enrolled at July 1996.

Māori participation in early childhood education has continued to grow with kohanga reo (Maori language nests) making the greatest contribution to Māori early childhood enrolments. In 1997 there were 707 kohanga reo. Māori pre-school enrolments grew by 25 percent between 1992 and 1996 compared with a growth rate of 17 percent for non-Māori. Forty-two percent of Māori children under five were in some form of early childhood education compared with 61 percent of non-Māori at July 1996.

At July 1997, there were 486 state-supported community-based playgroups. A fee subsidy is provided by the Government to help low income families pay for good quality pre-school education. Since 1994 the subsidy has been for up to nine hours per week for those parents not studying or working.

In 1996/97 the Early Childhood Development Unit (ECDU) funded 220 Pacific language groups, which offer educational programmes based on the values and languages of Pacific cultures. Pacific early childhood enrolments increased by 22.7 percent between 1992 and 1996. ECDU is contracted to the Ministry of Education to provide information and advice to Pacific language groups seeking licensed and chartered status. To date the Ministry of Education has licensed and chartered 37 Pacific Centres and plans to license 60 more over the next three years. The ECDU and non-government organisations – the Pacific Islands Early Childhood Council Aotearoa and Kautaha Aoga Niue – are working with the Ministry of Education on this project. Pacific women play an important role in Pacific early childhood centres and over 90 percent of Pacific early childhood trainees are women.

Large numbers of caregivers, mainly mothers, are involved in the early childhood sector on a voluntary basis. Regulations require parents to be informed about their children's learning, and many early childhood services, particularly the playcentre movement, offer programmes of training for parents in pre-school education. Parents can also gain valuable experience from their involvement in management committees and membership of the various early childhood groups.

A government-funded programme, Parents as First Teachers (PAFT), was launched in 1992. This is a home-based programme for parents of children up to age three. It aims to increase parents' confidence, thus enabling them to participate more effectively in the

development and education of their children. In June 1996 educators were visiting some 6,000 families nationwide.

The Education Review Office regularly evaluates and publicly reports on the performance of early childhood centres. Reports note any evidence of gender bias in programmes or practices. Early childhood educators are aware of the need to provide appropriate and challenging programmes for girls and considerable improvement has been noted in the provision of gender-neutral interactions and practices.

Primary and secondary schooling

Of the total number of students (697,325) attending schools in 1996, 51 percent were male and 49 percent female. There was a fairly even distribution of males and females across all types of schools, with the exception of composite (area) schools which mostly serve rural communities, where 56 percent of students in 1996 were females; the Correspondence School (64 percent female); and special education schools (37 percent female). The Correspondence School caters for rural students, some special needs students and some adults seeking second-chance secondary education, as well as providing educational programmes for students who have suspended, who are pregnant, or who need access to a particular subject not taught in their school.

All state primary schools and most state secondary schools are co-educational. In 1996 approximately 40,000 students attended single-sex schools.

Māori language, te reo, is integral to Māori education as an instrument to revitalise Māori language and to improve participation and achievement. The emphasis is now on using te reo as the language of instruction rather than focusing on it as a subject. During the reporting period there has been growth in the number of state-supported kura kaupapa Māori (Māori immersion schools) from 13 in 1992 to 54 in 1997. In 1996, 2.3 percent of Māori of school age were enrolled in kura kaupapa Māori. The number of students choosing Māori-medium education – studying one or more subjects in Māori – has grown from 13 percent of Māori students in 1992 to 20 percent in 1996. It is expected that this increase will encourage Māori participation and attainment in education.

Post-compulsory education and training

An increasing number of young people are going on to further education and training, with more females than males participating in both full- and part-time tertiary study. In 1995, 21.7 percent of women in the 18–24 year age group were studying full-time and 6.8 percent part-time. This compares with 19.4 percent full-time and 6.6 percent part-time for males.

New Zealand Qualifications Authority data indicated in 1997 that more women than men had registered on the National Qualifications Framework, although there was still a large imbalance in favour of men when Industry Training Organisations are included. The National Qualifications Framework is a mechanism for coordinating all qualifications from senior secondary school (years 11, 12 and 13) through degree and postgraduate levels, and includes on-the-job and vocational training. The Framework facilitates continuous training and retraining by allowing skills to be formally recognised no matter where or how they are learned. The flexibility of the Framework may be of benefit to women since it offers a variety of entry points to professional and technical qualifications.

Financial assistance for tertiary students

The cost of tertiary education is subsidised by the Government. In addition, full-time students from lower income families are entitled to student allowances. In 1992 a tertiary loan scheme was established to provide loans to students to cover fees, course related costs and to assist with living expenses. Uptake of both forms of assistance is higher for Māori than non-Māori students.

As women are more likely to be in lower paid jobs than men, women may take longer than men to repay loans. This may create a disincentive for some women to enter tertiary education. The requirements for repayment of loans have been set to apply only where there is a certain minimum level of income. The interest rate is also lower if borrowers are not earning.

University programme completions in the 1995 academic year (including overseas students)

	Female	Male
Doctorate	82	201
Masters/Honours	1498	1673
All university programmes	11,118	10,055

Proportion of Māori in tertiary education

In the past five years the number of Māori in tertiary education has more than doubled. In 1996 Māori students were 11.9 percent of tertiary enrolments compared with 7.9 percent in 1991. The largest increase in Māori students is in the polytechnic sector. A 1995 analysis by gender of Māori students in tertiary education showed that women outnumbered men in every category.

Industry training

Since 1992 the number of industry trainees has increased from 16,711 at 30 June 1992 to 36,808 at 30 September 1997. Systematic training is being developed in a number of industries which previously had none.

In 1992, 12 percent of apprenticeships were held by women, increasing to 16 percent in 1997. While hairdressing continues to attract the largest number of female trainees (1,339 trainees out of the total 5,932 female trainees), there are a number of other industries where women make up a substantial proportion of the trainees, including ambulance, apparel and textile, building services, equine, fishing, horticulture, hotel and catering, sport, fitness and recreation.

Industry Training Organisations are required to have plans to increase the participation of groups under-represented in their industry. A project is underway to explore ways of encouraging female participation in the electrotechnology and seafood industries. This project will identify strategies which can be applied by other industries.

Training Opportunities Programme

The Training Opportunities Programme (TOP), which is managed by the Education and Training Support Agency, was introduced in January 1993 to provide training for school leavers and long-term unemployed people with low qualifications. The design and delivery of the training is required to meet the needs of Māori, who made up 22 percent of trainees in 1997, and Pacific learners who comprised 4 percent of trainees in 1997.

In 1996 eligibility for TOP was expanded to include people who had been on the Domestic Purposes or Widows' benefits for a year or more. This made the training available to more women, who now comprise 49 percent of trainees, exceeding the participation target of at least 45 percent women.

Twenty-two percent of female and 25 percent of males from TOP gained full-time or part-time work within two months of leaving the programme, and 10 percent of females and 9 percent of males went on to further training.

Skill enhancement

The Skill Enhancement programme provides training for Māori and Pacific trainees aged from 16 to 21. In 1997 there were 629 trainees, 38 percent of whom were women. Results for 1996 show that (of known results) 74 percent of female and 75 percent of male learners progressed to further training or employment following their Skill Enhancement training.

CURRICULUM

A programme of curriculum reform in schools is currently underway. The New Zealand Curriculum Framework and national curriculum statements will provide the basis for programmes in schools. The Framework sets out the broad elements fundamental to learning and teaching in New Zealand, with a strong emphasis on equity, inclusiveness and the fostering of success and achievement for all students. Programmes will be gender-inclusive, non-racist and non-discriminatory.

Learning Media Ltd, a company which publishes readers and reference material to support the curriculum under contract to the Ministry of Education, is required to provide material that promotes a positive self-image for girls and women. The publications present strong female models engaged in challenging and interesting activities.

In the early childhood sector, a new voluntary curriculum, *Te Whāriki*, was introduced in 1995 after extensive consultation. The curriculum, followed by most providers, covers the range of desired learning for young children and emphasises a gender-inclusive curriculum with appropriate resources, equipment, programmes and role models.

Career guidance

All secondary schools must provide career advice for students. Careers teachers are trained to ensure that girls and boys are presented with all possible job and training options.

ACHIEVEMENT

Studies conducted over the last few years show some differences in achievement and attitude between boys and girls in some subjects, especially at secondary level.

The National Education Monitoring project assesses the performance of primary school children in year 4 (ages 8–9) and year 8 (ages 12–13). During 1995, 1,440 year 4 children and 1,440 year 8 children (3 percent of the primary school population) were tested on a variety of activities in science, art, and the use of graphs, tables and maps.

The National Education Monitoring project found that girls performed better than boys in art and showed more enjoyment of art both in and out of school. In the use of graphs, tables and maps, girls did better than boys in activities where interpretation of the data was required. While girls do better in some music tasks and have greater enjoyment of reading and speaking activities than boys, they have a less positive attitude to technology and do slightly less well in some technology tasks. The results in science show statistically significant differences, with boys performing better than girls in 10 of the 33 individual tasks. The results suggest that girls are falling behind boys in science learning over the later years of their primary education.

In other curriculum areas in the primary sector it is reported that girls do better than boys in written language, handwriting and spelling. In physical education boys excel in gross motor activities and girls in activities requiring fine motor control.

The Third International Mathematics and Science Study conducted by the International Education Association indicates that New Zealand children are around the average of participating countries in mathematics and science. Differences between the achievement of boys and girls in science were negligible at the middle primary school level, but increased markedly in favour of boys from the start of secondary schooling (year 9). In mathematics girls outperformed boys in some tasks at standard 2 and 3 levels, but performance relative to boys declined from form 2 (year 8) to form 3 (year 9) in some items, with girls becoming less positive about mathematics at that age. Māori and Pacific students scored lower. In science and mathematics Māori girls outperformed Māori boys in the middle primary school, but by year 8 there was little difference in achievement.

The new curriculum statements in mathematics and science reassert the importance of achievement in fundamental skills and knowledge as well as the relevance of science and mathematics to real life problems as a way of promoting positive attitudes to these studies.

Examinations and qualifications

More females than males leave the schooling system with a high academic qualification. In 1996, 16,881 females (67 percent) left school with sixth form certificate or better, compared with 15,413 males (59 percent). Twenty of the 36 top scholars recognised by the New Zealand Qualifications Authority in 1997 were female.

Females were more likely than males to gain an A or B grade in School Certificate in 1996, with the most significant difference in English. In University Bursary and Entrance Scholarship examinations in 1996, slightly more females than males gained a B grade or higher. However, Māori and Pacific secondary students, including girls, did less well in secondary school examinations than other ethnic groups.

Māori girls are getting better grades and higher qualifications as 16 and 17 year olds than their male counterparts, but take subjects such as typing which limit their opportunities in the labour market. Thirty-nine percent of Māori left school without qualifications in 1996 compared with 15 percent of non-Māori school leavers. Four percent of Māori gained University Bursary compared with 24 percent of non-Māori.

In 1996 both female and male students selected english, mathematics, science and geography as the most popular subjects to sit for School Certificate (year 11). Workshop technology was the next choice for boys, but this subject did not feature at all for girls.

Sixth Form Certificate choices were again english and mathematics for both boys and girls, followed by physics and biology for boys, and biology and chemistry for girls. In University Entrance and Scholarship examinations, statistics, english, calculus and physics were the most popular subjects with boys, while english, statistics, biology and calculus were most popular with girls. History and art are more popular with girls than boys at senior level. There continue to be more males than females in senior mathematics and science classes, and males are slightly more likely to do well in mathematics.

TEACHING STAFF

In 1995 there were 8,804 female staff and 106 male staff in the early childhood education sector compared to 7,321 and 162 respectively in 1992. Kindergarten teachers, of whom there are 1,743, became employees of individual kindergarten associations in 1997. Although the equal employment opportunity provisions of the State Sector Act no longer apply to these teachers, the Human Rights Act, Bill of Rights Act, and Employment Contracts Act continue to apply.

At primary and secondary school level, the proportion of male teachers is also declining, from 36 percent of full-time teacher equivalents in 1992 to 31 percent in 1997.

Numbers of teachers in schools for 1992 and 1996

	1992	
Schools	Female	Male
Primary	17,460	4,953
Secondary	8,445	8,104
Composite	492	327
Special	555	98
Correspondence	328	108
	1996	
Schools	Female	Male
Primary	17,474	4,576
Secondary	8,445	7,396
Composite	638	357
Special	528	94
Correspondence	351	112

The Ministry of Education reports (*Women in the Teaching Service* 1996) that there has been little movement towards gender equity in the teaching service in the past three years. In 1996 fewer women than men held senior positions, particularly at primary school level. Furthermore, women received, on average, lower salaries than their male colleagues in equivalent positions or with the same qualifications. Although 76 percent of primary school teachers were women, only 32 percent of principals were female. In the secondary service 47 percent of teachers were women, but only 25 percent of principals were female. Sixty-one percent of women secondary school principals were at state and state-integrated girls' schools, 13 percent were at co-educational schools, while two state boys' schools had women principals.

In the tertiary sector 67 percent of teachers in colleges of education were women, 50 percent in polytechnics and 31 percent at universities. Women were under-represented in senior positions in the tertiary sector. In 1995 none of the chief executive level positions at universities or colleges of education was held by a woman, and less than a fifth of the chief executives of polytechnics were female.

SCHOOL BOARDS OF TRUSTEES

Schools in New Zealand are governed by boards of trustees made up of parents and community representatives. As at March 1996, 49.7 percent of trustees were women. Six percent fewer women than men were elected as trustees, but co-option of further members has redressed the balance. The New Zealand Council for Educational Research reported in 1997 that gender continues to be associated with differences in the roles played by individual trustees on their boards.

As part of the 'good employer' obligation under the State Sector Act, boards of trustees are required to report annually to the Education Review Office outlining their school's equal employment opportunities policies and programmes. The Chief Review Officer's 1995/96 annual report to Parliament stated that only 55 percent of all boards had provided EEO reports within the time required, with very few considered to be excellent examples, and 34 percent failing to meet the legislative requirements.

CONTINUING EDUCATION

The numbers of adults returning to school has decreased in the last five years, but second-chance education remains more popular with women than men. In 1996 the Ministry of Education reported that 8,640 adult students (over the age of 19 years) were attending secondary schools. Of these, 6,111 (71 percent) were women.

Community education programmes based in schools, polytechnics and polytechnic outposts also provide educational opportunities for adults. These are based in local communities and offer courses outside normal working hours. Seventy-four percent of participants in 1996 were women.

Many private training establishments are in rural or provincial towns, which do not have other tertiary

institutions. This has opened up educational opportunities for rural women.

RETENTION

Girls and boys are staying longer at secondary school. The overall retention rate for girls has improved since the last report and girls stay on at school slightly longer than boys on average. However, fewer Māori females and males stay on than non-Māori, though Māori women are more likely to be at school at ages 16 and 17 than Māori men. Pacific students' retention rates are similar to those of non-Māori.

Retention rates 1995–1997

		Māori	
Year	Age	% Female	% Male
1995	16 years	72	67
	17 years	43	42
1996	16 years	67	64
	17 years	41	38
1997	16 years	68	61
	17 years	40	38
		All	
Year	Age	% Female	% Male
1995	16 years	85	81
	17 years	61	56
1996	16 years	86	82
	17 years	61	57
1997	16 years	87	81
	17 years	63	58

HEALTH AND PHYSICAL EDUCATION

As reported previously there is a strong emphasis in the New Zealand education system on the delivery of a comprehensive health programme. A new health and physical education draft curriculum statement has been published for trialling and consultation. All learning in this area must be appropriate and not limited by gender stereotypes.

Improved sexuality education is a priority as several studies and reports have shown inadequate programmes in many schools. A 1996 Education Review Office report showed that, of 213 schools audited, 50 percent were providing reproductive and sexual health programmes.

The introduction of special programmes of KiwiSport, developed by the Hillary Commission with modified rules, means that girls are playing games such as rugby and soccer, which have traditionally been dominated by boys. The Hillary Commission also has programmes to increase the participation of girls in sports. Further details are given in Article 13: Economic and Social Life.

Research in 1994 into what happens to Māori girls in schools found that for Māori girls, and also for non-Māori girls, harassment by boys is a major concern. The research indicated that boys outnumbered girls on the playing fields and grassed areas, adventure playgrounds were dominated by boys, and boys were far more likely than girls to engage in sporting activities in their playing time.

Some schools have initiated assertiveness and peer mediation programmes to help students to deal with bullying and other unacceptable behaviour from fellow students. A programme to educate against violence in schools has been developed by the Special Education Service, and in 1996 the Government agreed to provide funding for a nationwide programme of self-defence for girls in schools. It is estimated that this will be taken up by 45,000 girls over three years. The Human Rights Commission has developed an education resource *Preventing Sexual Harassment in Schools* to address this issue.

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ARTICLE 11
EMPLOYMENT

(1) States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) the right to work as an inalienable right of all human beings;

(b) the right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

(c) the right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

(d) the right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

(e) the right to social security, particularly in the cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

(f) the right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

(2) In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

(a) to prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

(b) to introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

(c) to encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of childcare facilities; and

(d) to provide special protection to women during pregnancy in types of work proved to be harmful to them.

(3) Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

PROGRESS

- Increase in the percentage of working age women joining the labour force.
- Increase in the numbers of women in self-employment and the growth of organisations such as the Women into Self-Employment (WISE) Women Network.
- Increased career opportunities for women in the armed forces.
- A research programme on the gender pay gap.
- Increase in funding to the EEO Trust.
- Initiatives designed to overcome barriers to employment, targeted at four priority groups of women – Māori, Pacific, rural and urban disadvantaged.
- The promotion of out-of-school care (OSCAR) in low income communities.
- The development of a national survey on childcare.

WOMEN IN THE PAID WORKFORCE

	Overview, September 1997	
	% Female	% Male
Working age population	51.2	48.8
Labour force	44.7	55.3
Not in labour force	63.4	36.6
Employed	44.7	55.3
Unemployed	45.0	55.0
Full-time employment	36.1	63.9
Part-time employment	72.8	27.2

The percentage of working age women (defined as 15 years and over) joining the labour force continues to increase. In September 1997 women comprised 51.2 percent of the working age population and 44.7 percent of the labour force. Fifty-seven percent of working age women were in the labour force, an increase of 3 percentage points since September 1991. Sixty-two percent of employed women were working full-time and 38 percent working part-time.

The table below summarises the changes in labour force participation, unemployment and part-time work from September 1991 to September 1997.

	% points change 1991–97	
	Female	Male
Labour force participation rate	+3.0	+0.7
Unemployment rate	-3.0	-4.9
Proportion of employed working part-time	+1.5	+1.6

Ethnicity

Although participation rates for Māori and Pacific women have risen over the past six years Māori, Pacific and women from 'other' ethnic groups are currently less likely to participate in the labour force than European/Pakeha women. The decrease in participation by women from 'other' ethnic groups is likely to be influenced by the high level of immigration over this period.

Labour force participation of women

Ethnicity	% 1991	% 1997	% Change
Māori	50.1	53.6	+3.5
Pacific	50.5	56.4	+5.9
European/Pakeha	54.5	57.9	+3.4
Other	53.5	49.1	-4.4

While Māori and Pacific women, and women from 'other' ethnic groups face higher rates of unemployment than European/Pakeha women, there has been a significant improvement in the unemployment rates for Māori and Pacific women in the last six years.

Women's unemployment rates

Ethnicity	% 1991	% 1997	% points Change
Māori	25.7	19.0	-6.7
Pacific	29.1	13.1	-16.0
European/Pakeha	6.8	4.6	-2.2
Other	13.4	11.9	-1.5

Work and age

There is a significant variation in labour force participation for women of different age groups. The highest rate of participation occurs when women are between 40 and 54 years of age. The smallest differences between men's and women's participation occur from 15 to 24 years and for those aged 65 years and over. Unemployment rates are highest for those 15 to 24 years, both women and men.

Work and disability

The 1996 Household Disability Survey shows that labour force participation rates are lower for people with disabilities compared to the general population across variables such as age, sex and ethnicity. Labour force participation rates for women with disabilities are discussed under Article 3: The Development and Advancement of Women.

Hours of work

A major difference between men and women is in hours of work. Although an increasing proportion of men and women are working part-time, women are more than twice as likely to work part-time than men. In September 1997, 38 percent of women employed were in part-time work compared to 12 percent of men employed. Women comprise 73 percent of all part-time workers. Women working part-time also work shorter hours than their male counterparts.

Part-time work

	% Female	% Male
1991	36.8	10.0
1992	36.0	10.6
1993	36.3	9.8
1994	36.6	10.3
1995	36.4	10.3
1996	39.3	11.1
1997	38.3	11.6

Many women work part-time to allow them to combine paid work and family responsibilities. However, many part-timers are working fewer hours than they would like. The Household Labour Force Survey in September 1997 showed:

- 35 percent of men working part-time would prefer more hours
- 27 percent of women working part-time would prefer more hours
- 67 percent of all part-time workers wanting more hours are women.

Occupation

Women continue to work in different occupations from men and are concentrated in a narrower range of occupations. Over the past six years there has been an increase in the proportion of women working as legislators, administrators and managers (from 8.1 percent in 1991 to 9.3 percent in 1997); and technicians (from 11.1 percent in 1991 to 13.2 percent in 1997).

Occupation is also a major factor influencing earning capacity. A higher proportion of women work in lower paid clerical, sales and service occupations. However, within every occupation male full-time employees receive higher incomes than female full-time employees. In percentage terms the largest gap is among service and sales workers, and the smallest income gap is in the clerical group.

Over 90 percent of early childhood workers are women and around 80 percent of primary teachers are women. NZEI Te Riu Roa, the union that represents early childhood workers and primary teachers, has been negotiating a claim with the Government to achieve pay parity between primary and secondary teachers, and kindergarten and primary teachers.

Agreement has been reached to develop an integrated teaching service with a unified pay system where the pay of primary and secondary teachers is not determined by the sector within which they work. Negotiations to determine the pay scale continue.

Women in self-employment and small business

Between 1991 and 1996 women's self-employment grew by 31.5 percent, with the largest increases in community, social and personal services, and finance, insurance, real estate and business industries, and in manufacturing.

See also *Specific initiatives for women's employment* in this section.

Women in combat

Whilst the reservation on women in combat continues to apply, considerable efforts have been made to increase the career opportunities for women in New Zealand's armed forces.

Within the Royal New Zealand Navy women are able to be employed in all trades except diver. There are no restrictions governing the employment of women in the Royal New Zealand Airforce. Within the New Zealand Army women are not yet able to be employed in combat arms trades such as rifleman, gunner, armoured vehicle crewman, field engineer or as a member of the Special Air Service.

The second periodic report stated that in 1992 the Army was to undertake a trial on the employment of women in combat roles. This trial did not proceed, but despite this the employment of women in the Army has increased in a number of trades where they previously were not able to be employed. Their increased employment remains under active review.

Women have been progressively deployed on United Nations missions with New Zealand's increased involvement in these activities. Women were deployed during the Gulf War, and in Somalia, Cambodia and Bosnia where the potential for physical danger or combat was at a high level. The effect of this change in the employment of women is that the New Zealand Defence Force would have difficulty in deploying any significant force without women being in roles that would potentially involve them in combat.

The New Zealand Defence Force (NZDF), comprising the combined forces and civilian employees, has also developed its EEO policy. The NZDF is committed to the principles of equal opportunities in all its work and management practices, and to providing its service and civilian members with the opportunity to progress based on their own merit, ability, performance and potential. Within this policy is included the increased employment of women in areas that will enhance their career opportunities, and it is recognised that employment in combat trades and roles is a requirement for this to occur.

Women's unpaid work

Almost twice as many women of working age as men are not in the labour force. A much higher proportion of women than men are not in the labour force because they are doing unpaid work at home and caring for children and dependent older relatives. See the description of the Time Use Survey under Article 2: Anti-Discrimination Measures.

EARNINGS

In August 1997 the average ordinary time weekly earnings for females was $537.65, 76.8 percent of males' average ordinary time weekly pay of $700.02. Women's average hourly earnings were 81.2 percent of men's in August 1997. This relativity has remained almost unchanged since the implementation of the Equal Pay Act was completed in 1977. Part of the difference in men's and women's average weekly earnings is attributable to differences in the hours spent in paid employment. Male employees tend to work longer hours and receive more paid overtime than women.

The gap between female and male average ordinary time hourly earnings in the public sector is wider than that in the private sector. In August 1997 the average ordinary time hourly earnings for female employees in the public sector was 76.2 percent of that for males. The corresponding figure for private sector employees was 80.2 percent.

A report by the New Zealand Institute of Economic Research (Cook & Briggs 1997), conducted for the Ministry of Women's Affairs, indicates that the gender pay gap is unlikely to narrow over the next five years, if recent industry trends continue. This reflects the concentration of women in industries such as business and financial services, where the gender earnings gap is predicted to grow, and above-average wage growth in industries where women are under-represented.

Other significant factors affecting earnings are the level of seniority, level of skills, experience and job-related training, and the duration and continuity of employment. It is difficult to quantify the effects of these due to paucity of data. Proposed developments in income statistics by Statistics New Zealand should help remedy some of the gaps and improve information on the earnings gap.

The Government is seeking to address this issue through continued support and funding of programmes, which aim to reduce discrimination and which improve understanding of the gender pay gap. The Ministry of Women's Affairs is responsible for a research programme on the gender pay gap.

To mark the 25th anniversary of the Equal Pay Act 1972 the New Zealand Council of Trade Unions is developing a three-year campaign to achieve equal pay.

INCOME SUPPORT

During the reporting period steps have been taken to ensure that income support remains tightly targeted to those in greatest need, including women.

In September 1994 a new direction for the Department of Social Welfare was announced under the title 'From Welfare to Wellbeing'. Objectives in the social security area include ensuring people are aware of the assistance they are entitled to, identifying and

reducing incorrect payment of benefits (including control of fraud), developing the concept of customer responsibility, and facilitation of the transition from benefits to work.

The Government's response to the Employment Task Force recommendations (1994), enacted in the Social Security Amendment Act 1996, made changes to the benefit system which have had an impact on women in receipt of benefits, particularly sole parents, widows, women alone and partners of unemployed beneficiaries. A newer, lower, initial abatement for those receiving the Widows, Domestic Purposes and Invalids benefits was also introduced. The changes aimed to improve incentives for part-time work for these groups in the short term, with the ultimate goal of improving the person's chances of moving into sustained full-time work and becoming independent of the social security system.

In July 1996 a dual benefit-abatement regime was introduced, which increased the level of income that could be received without affecting benefit levels. At the same time, Government moved to extend work-testing and other forms of reciprocal obligations to new groups of benefit recipients. From April 1997 a part-time work-testing regime has applied to Widows and Domestic Purposes benefit recipients with no children or a youngest child aged 14 years or over. A full-time work-testing regime has been extended to partners of unemployed beneficiaries with no children or a youngest child aged 14 years or over. Each of these three categories of persons must also attend an annual interview and develop a plan for moving into education, training or employment. A new regime of graduated reductions in benefit for failure to comply with work-testing or with the interview requirement was also introduced. These changes are aimed at strengthening the obligation to take advantage of opportunities for education, training or employment. Changes were also made to the individualised assistance available from the New Zealand Employment Service for work-tested beneficiaries, and to personal income tax and employment income support for families with children.

Māori women have a higher take-up rate for most social security benefits apart from New Zealand Superannuation.

ADDRESSING BARRIERS TO EQUALITY IN EMPLOYMENT

Equal employment opportunities

Public Sector

In November 1997 government endorsed the document *EEO Policy to 2010* (published by the State Services Commission, 1997) which seeks improvements in four areas of the public sector – leadership, organisational culture and strategic human resource management, employment of EEO groups, and monitoring and evaluation. Chief executives of government agencies are responsible and accountable for delivery of agreed EEO goals in their organisations.

EEO Trust

The annual government contribution to the EEO Trust was extended from a maximum of $95,000 on a dollar for dollar basis to a maximum of $445,000 in 1996. In 1996 the Government's Coalition Agreement proposed to alter government funding to two dollars for each dollar of employer contributions.

The EEO Trust's work on work and family issues is outlined under Article 5: Sex Roles and Stereotyping.

The EEO Trust established the EEO Employers' Group in 1997 to increase EEO activity. To date, over 90 organisations have joined the EEO Employers' Group.

EEO Contestable Fund

The Equal Employment Opportunities Contestable Fund was established to promote EEO programmes and practices in private sector workplaces. The projects supported by the Fund produce resource material which has been made publicly available through the EEO Trust.

Occupational Health and Safety

The Health and Safety in Employment Act 1992 places a general duty on employers, who are best placed to assess and manage risks associated with workplaces and work practices, to take all practicable steps to ensure that employees are not harmed by workplace hazards. Work with lead is regarded as being particularly harmful to pregnant women and safe limits are recommended to employers. For work with hazardous substances, which can include chemicals which may cause genetic damage, employers are required to carry out an assessment of the health risks to employees arising from such work and, where appropriate, to prevent or control exposure to hazards.

Sexual harassment in employment

Statistics on sexual harassment complaints made to the Human Rights Commission are provided under Article 2: Anti-Discrimination Measures. The 1997 EEO Trust survey of EEO awareness, acceptance and activity within New Zealand organisations found that across all types of organisations, anti-sexual harassment policies seem to be well established. Eighty percent of all respondents had anti-sexual harassment policies, and 67 percent had documented procedures. However, only 20 percent of organisations provided training for managers and only 19 percent provided training for staff.

There have been some important court cases regarding sexual harassment in employment. In one case the High Court found that an order requiring an employer to institute a sexual harassment policy could not be made where the complainant is no longer employed by that employer. The effect has been that the Employment Tribunal no longer orders positive action programmes in cases of sexual harassment or sex discrimination where the complainant has left the workplace. The case has also made it more difficult to negotiate such programmes as part of mediated settlements. The Human Rights Commission considers that the inability to order such programmes appears contrary to the purposes of the Human Rights Act.

A recent High Court case significantly extended the protection available from sexual harassment in employment. In that case the Complaints Review Tribunal held that behaviour need not occur in the workplace in order to come within the term 'in the course of employment'. Rather, the relevant test was whether, but for the complainant's employment by the employer, she would have been present when the incidents occurred.

The Employment Contracts Act 1991

The Employment Contracts Act 1991 provides women with the right to take sex discrimination cases (including cases of sexual harassment) to the Employment Court as a personal grievance. The complainant must choose either the Employment Contracts Act or the Human Rights Act as the forum for a complaint and cases cannot be transferred from one jurisdiction to another.

Specific initiatives for women's employment

Where barriers to equality have been identified, the Government has developed a number of initiatives designed to overcome barriers to employment. These initiatives have been targeted for four priority groups of women – Maori, Pacific, rural and urban disadvantaged.

Women returning to the workforce

Two programmes delivered by New Zealand Employment Service (NZES) are intended specifically for women returning to the workforce.

Through Wāhine Āhuru/Turning Point the New Zealand Employment Service provides information and advice to improve women's ability to find employment by showing them the relevance of skills built up from their unpaid and voluntary work, which they can use for paid work or self-employment. In 1995/96 2,559 women attended Wāhine Āhuru seminars, with 1,921 participating in 1996/97.

Stepping Stones is a condensed version of Wāhine Āhuru/Turning Point. In 1995/96, 385 women attended Stepping Stones seminars.

Through the programme Access to Technology women and their families are able to gain experience and learn using up-to-date technology in a supportive environment.

Sole parent families

The majority of sole parent families in New Zealand are headed by women.

The Hīkoi ki Pae-rangi/New Horizons seminar developed by the New Zealand Employment Service (NZES) is targeted at women who are sole parents and who have been receiving an Income Support benefit for 12 months or longer. The seminar helps participants to identify their transferable skills and work options.

To date, participants have been 42 percent Māori, 48 percent Pakeha, 9 percent Pacific, and 1 percent other ethnic groups. The programme has been well targeted as, according to the 1991 Census, 44 percent of Māori families with children were sole parent families. Attendance at the seminars totalled 1,107 women in 1995/96 and 1,205 in 1996/97.

Regional initiatives

The Women's Employment Project Fund is available to help New Zealand Employment Service Centres develop projects to assist disadvantaged groups of women into work, or help them become ready for work. The fund was established in order to provide centres with increased autonomy to assist women in their local areas.

Measures for Māori women

As a result of Government's Employment Task Force report in 1994, the Wāhine Pakari programme was transferred to the Department of Labour. It is a four-week self-development and business skills training programme delivered by Māori women. The long-term objective of Wāhine Pakari is to improve the employment opportunities and prospects of Māori women by increasing their participation in self-employment, business and management or other employment, and further education and training. In 1996/97 there were 453 participants in the programme.

There continue to be barriers to Māori women's self-employment. These include limited access to finance and advice and a lack of responsiveness to Māori women by business support agencies. Māori women and business enterprise has therefore been an area of significant focus in the reporting period.

Mahi-a-Iwi is a successful measure to address this barrier that has been initiated by the Community Employment Group (CEG) of the Department of Labour. The series of hui (meetings) bring women together to learn enterprise skills and discuss solutions to the employment barriers that they face. Five hui have been held and the network hopes to become nationwide. Through the Mahi-a-Iwi Strategy there has been extensive support, knowledge brokerage and project partnerships with the Māori Women's Development Fund, the Māori Women's Welfare League and marae (community meeting-place) groups to direct more resources to Māori women to assist in overcoming barriers to employment.

Non-government initiatives

Māori Women's Development Fund

The role of the Māori Women's Development Fund is outlined in Article 13: Economic and Social Life.

Women into Self-Employment (WISE) Women Network

The Women into Self-Employment (WISE) Women Network is a nationwide group for self-employed women which began in 1992 with one branch and has since expanded to 36 branch networks with more than 12,000 members.

The objectives of WISE Women Network are to:

- provide skills for women to succeed in business
- provide informal mentoring and networking
- provide a means for women to promote their business
- encourage women to trade with one another
- overcome business isolation.

During the reporting period the WISE Women Network established a national office with a full-time coordinator; launched the Self-Employed Woman of the Year awards; established a World Wide Web site; and produced a quarterly newsletter.

WISE reports that:

- 40 percent of new businesses are started up by women, and this is predicted to increase to 50 percent within the next 4–5 years
- the numbers of women going into self-employment is increasing at a rate of 20 per working day (Statistics New Zealand)
- women are 49 percent more successful than men in setting up their businesses (Massey University 1994)
- 61 percent of Wellington women in self-employment had tertiary or higher qualifications (Capital Development Agency, Wellington City Council study)
- 80 percent of women in self-employment considered themselves to be either successful or very successful (Capital Development Agency, Wellington City Council study)
- women setting up their own businesses are increasing at a faster rate than men
- of women with their own business, 55 percent were under 40 when they set up in business.

New Horizons for Women Trust

The New Horizons Trust for Women is a charitable trust promoting second-chance education and training for women and women's research. The Trust offers annual awards to help fund women's second-chance education or training, and research on issues of importance to women. Awards are valued at up to $2000.

Maternity and parental leave

The Parental Leave and Employment Protection Act 1987 provides parental leave for women and men. In 1996 the Department of Labour published a survey of parents who were eligible to use the provisions of the Act, the findings of which suggest that many women (and fewer men) were using the provisions of the Act successfully.

In June 1995 the Ministry of Women's Affairs released research which compared parental leave policies in New Zealand with overseas provisions: *Parental Leave Policies, Women and the Labour Market: A Comparative Analysis of New Zealand, Sweden, United Kingdom, United States and Australia.*

The report found that the provisions available in New Zealand include strong job protection and good access to maternity, paternity and extended parental leave. Access to leave was likely to be limited for those in casual or seasonal work in part because of legislative eligibility criteria. The report showed that women may be unable to afford to take unpaid leave. Payments associated with maternity or parental leave have been negotiated in some employment contracts, mainly in the public sector. Some state-funded income support payments may be available to women on leave such as Family Support, Guaranteed Family Income or the Domestic Purposes Benefit.

The 1997 EEO Trust survey of EEO awareness, acceptance and activity within New Zealand organisations found that between a quarter and a third of organisations surveyed provided parental leave beyond that required by legislation. By far the highest proportion were in the education sector (65 percent). Just over a third of public sector organisations and state-owned enterprises provide this, as do a quarter of the private sector companies surveyed.

A survey of employment contracts by the Graduate School of Business, Victoria University of Wellington (*Employment Contracts: Bargaining Trends & Employment Law Update 1996/97*) showed that 39 percent of contracts had payments available for parental leave and 27 percent of contracts had above-standard provisions. Seventeen percent of private sector contracts had payments available, mainly in the finance and banking sector.

Childcare and early childhood education

The Government recognises that access to adequate childcare services can be a barrier to women's participation in the labour force and provides subsidised childcare services for pre-school children and supports out-of-school care for school-age children. A brief recent summary of initiatives are outlined below.

Out-of-school-care (OSCAR)

The Development Assistance Programme was an 18 month pilot programme in 1996 and 1997 to promote provision of out-of-school care (OSCAR) in low income communities, by offering up to $8,050 per group in development funding to set up OSCAR programmes. An evaluation of the pilot found almost half of the parents using the programmes were in families with incomes of less than $30,000 a year.

At a total cost of $2.04 million, the Development Assistance Programme sought to provide 5,000 additional places or 250 programmes in targeted locations. In its first year of full operation, the programme assisted 107 OSCAR to be established.

The funding boost recognised that many parents find it difficult to arrange after-school and holiday care for their children so that they can take on full-time paid work or training. Thirty-three percent of parents said OSCAR helped them to now extend their hours of paid work; 53 percent said it helped them to stay in paid work and 21 percent said OSCAR gave them time to seek employment.

The findings from the evaluation of the pilot are currently being considered by government.

National OSCAR Provider Survey

The National Association for OSCAR undertook a survey of service providers in 1996/97. The survey, which was funded and supported by government agencies, private sector companies and community organisations, found a high degree of community support for the OSCAR programmes surveyed. Over half have volunteer staff, and most are parent and/or community-operated and run in schools, community centres and halls.

The main problem identified by providers was funding, followed by recruitment and retention of suitable staff. Parent fees were identified as the most common source of funding for programmes, followed by community grants. On average, parents are charged $44 per week for after-school care, $80 per week for holiday care and $33 per week for before-school programmes.

National Survey on Childcare

The Department of Labour, in conjunction with the National Advisory Council on the Employment of Women (NACEW), is developing a national survey on childcare. The objective of the survey is to provide data on childcare use and the interaction between childcare use and labour force participation. It will also identify the extent to which access to childcare is a barrier to labour force participation and examine the impact of childcare responsibilities on caregivers' participation in paid work. The survey will be completed by Statistics New Zealand and results will be available in 1999.

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ARTICLE 12
HEALTH

(1) States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure on a basis of equality of men and women, access to health care services, including those related to family planning.
(2) Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate service in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

PROGRESS

- Free visits to general medical practitioners for all children under six years of age.
- Implementation of the Code of Health and Disability Services Consumers' Rights.
- Development of Māori health services and an increase in the numbers of Māori health providers.
- Implementation of a national breast cancer screening programme.
- The Household Disability Survey, 1996.
- The development of a Government Strategy on Sexual and Reproductive Health, including the provision of some brands of oral contraceptive free of charge.
- Government support for research on violence against women.
- The practice of female genital mutilation was made illegal in New Zealand and a prevention programme established.

Public, private and voluntary sectors interact to provide and fund health and disability support services in New Zealand. Over three-quarters of health care is publicly funded and most hospitals are publicly owned. The Government's primary objectives for publicly funded health care are:

- to improve health status
- to improve, promote and protect public health
- to promote the independence of people in their communities.

Inpatient and outpatient services at public hospitals are free. There are varying waiting times for non-urgent treatments at public hospitals, but a booking system is being developed which is designed so that access to services is determined by clinical priority and ability to benefit. Booking will ensure a specified maximum waiting time of no longer than six months for non-urgent surgery and for specialist assessments.

The Government funds or part funds, through a variety of contracts and other arrangements, a wide range of independent service providers and related organisations. These include general practitioners, independent midwives, nurse practitioners, laboratory

technicians, dentists and a range of non-governmental agencies such as the Royal New Zealand Plunket Society, the New Zealand Family Planning Association, the Royal New Zealand Foundation for the Blind, NZCCS (for people with physical disabilities), and IHC (for people with intellectual disabilities).

In 1993 the Government issued guidelines to the Regional Health Authorities (RHAs), which specifically required them to purchase appropriate health services for Māori. Between 1993 and 1997 the number of Māori health service providers increased from 25 to over 200. Many of these providers operate gender-targeted services, such as midwifery and maternity support, family planning and cervical screening.

New Zealand has developed a national schedule of preventive health care for children. Well Child care is available free from a large number of health providers contracted to provide Well Child services, including free childhood immunisation (according to the National Immunisation Schedule), regular assessments of the child's health and development, parent education, and family care and support. From 1 July 1997 the subsidy for general medical practitioner visits for children under 6 years old was increased to make visits free of charge, and the pharmaceutical subsidy was also increased to remove the prescription charge for children under 6 years.

HEALTH AND DISABILITY COMMISSIONER

The Office of the Health and Disability Commissioner was established in 1994 to promote and protect the rights of consumers of health and disability support services, and to oversee the quality of health and disability services, including those provided by government agencies.

The Code of Health and Disability Services Consumers' Rights developed by the Commissioner, which came into force as Statutory Regulations on 1 July 1996, includes the right to services of appropriate standards, the right to be fully informed, the right to be treated with respect, and the right to privacy, but it does not cover the right to access the services.

The Commissioner is responsible for investigating complaints concerning breaches of the Code and for promoting by education and publicity, respect for and observance of the rights of health and disability service consumers. A recent court case confirmed that the Commissioner's role also extends to investigating any conduct of a health care provider which can reasonably be described as a policy or practice.

An independent network of patient advocates has also been established to promote the Code and to assist consumers in resolving complaints against providers.

The establishment of the Office and the development of the Code were recommendations of the 1988 Committee of Inquiry into allegations concerning the treatment of cervical cancer at National Women's Hospital, chaired by Dame Silvia Cartwright.

RECENT STRUCTURAL REFORMS

In 1993 the public health system was restructured, with the aim of improving access to health services and the effectiveness and efficiency of delivery. Funding and responsibility for a range of support services for people with disabilities transferred from the Department of Social Welfare (DSW) to the government's health sector. The Regional Health Authorities (RHAs) were given responsibility for contracting for disability support services such as home help and personal support, and for equipment and home modifications. The basis of entitlement shifted from disability category to individually assessed needs.

In 1995 the Public Health Commission was integrated back into the Ministry of Health, and the Ministry's purchasing functions taken over by the RHAs. In 1996 the Coalition Government announced its intention to integrate the four RHAs into a single national funding agency in order to eliminate duplication, reduce transaction costs and promote consistency in approach. From 1 July 1997 the Transitional Health Authority (THA) was set up, bringing the RHAs into one national structure in preparation for the transition to the new funding agency, the Health Funding Authority (HFA), which came into being on 1 January 1998.

Under the reforms, the focus of policy advice within the Ministry of Health largely moved away from specific groups within the population to the provision of specific services and access to those services, such as maternity or medical/surgical services. The Ministerial Advisory Committee on Women's Health was

discontinued in 1994, and there is no longer a specific Women's Health Policy Unit within the Ministry of Health, although women's health status continues to be monitored. The HFA also employs women's health analysts.

A number of public health initiatives have been implemented to improve women's health. These include the national cervical screening programme, a breast cancer screening programme, as well as programmes related to alcohol and tobacco, HIV/AIDS and sexually transmitted diseases. These initiatives have quantifiable targets to achieve by set dates, and progress is monitored by the Public Health Group of the Ministry of Health and reported on annually.

MĀORI HEALTH SERVICES

In the reporting period, RHAs – and now the Health Funding Authority – established specialist Māori health purchasing units, which have consulted widely and worked closely with Māori providers. Both broad primary services (e.g. general practitioner services) and specific services such as sexual health and midwifery have been purchased.

Māori health providers are mostly non-profit, and can be either iwi (tribal) services, or pan-tribal, such as services in an urban area. The services have focused on primary and preventive public health care, and there is also some interest in managed care. Services have taken innovative approaches to improving access to care in remote rural areas and in poorer urban areas. The Māori Provider Development Scheme established in 1997 aims to accelerate Māori health workforce and Māori service provider development as part of an ongoing strategy for the improvement of Māori health.

As a whole, 'by-Māori-for-Māori' services have not been in place long enough to see major changes in health outcomes such as hospitalisation. However, at a local level, some initiatives have had significant successes. There is also strong evidence of increased usage of health services and indicative evidence such as increasing immunisation rates. The availability of 'by-Māori-for-Māori' health providers may also have raised Māori expectations of mainstream providers. Many hospitals, including National Women's Hospital and private providers, now have Māori advisors and specialists.

Te Puni Kokiri the Ministry of Māori Development notes that '... Māori perspectives of health are holistic, encompassing a number of different dimensions, such as spiritual, physical, mental, and social. Māori women play a pivotal role in the whānau [family group] and given this, issues such as housing and education become issues to do with health. If Māori women are not healthy, strong and well informed, it follows that their whānau cannot be either'.

GENERAL HEALTH STATUS INDICATORS

Life expectancy

The average life expectancy for a non-Māori child born between 1993 and 1995 is 79.1 years for females and 73.7 years for males (Ministry of Health 1997). Life expectancy at birth for a female Māori child is about six years less than her non-Māori counterpart. However, since the 1940s, Māori female life expectancy has improved at more than twice the rate for non-Māori females.

Mortality (all causes)

New Zealand women have lower age-standardised death rates than men and these rates have been gradually improving over time (NZHIS 1997a). In 1996, death rates for females generally increased with age, from a low of 17 deaths per 100,000 for 5–9 year olds to a peak of 20,310 deaths per 100,000 for women aged 85+ (calculated from NZHIS 1998). Although Māori women have higher age-standardised death rates than Pacific and other non-Māori women, in 1994 the rate for Māori women improved to 590 per 100,000 compared with 377 per 100,000 for non-Māori women (NZHIS 1997a).

Diseases of the circulatory system (including ischaemic heart disease and cerebrovascular disease) accounted for the largest proportion of New Zealand women's deaths – 44 percent of the 12,924 deaths in 1994. The second leading cause is neoplasms including cancer (26 percent), followed by diseases of the respiratory system (10 percent) (calculated from NZHIS 1997a).

Maternal death rate

In 1993 the maternal death rate was 17 deaths per 100,000 live births and in 1994 the rate was 7 deaths per 100,000 live births.

Infant mortality

In 1993 the overall infant mortality rate was 7.3 per 1,000 live births, the lowest rate ever recorded in

New Zealand. The rate of death for Māori infants is 14.7 per 1,000 live births. Birth defects were the leading cause of female infant mortality in 1993, accounting for more than one in three of all female infant deaths, compared to 23 percent of male infant deaths.

The greatest reduction in the death rate over the reporting period was for the post-neonatal period (deaths occurring between 28 days and one year of age), and the gain was most marked for non-Māori infants. While the Māori post-neonatal mortality rate declined over the period 1987–1993 (from 11.0 to 9.8 per 1,000 live births) it is higher than that of New Zealand-born Pacific babies (2.2 per 1,000) and babies of European and other origin (2.7 per 1,000). The decline in post-neonatal mortality has been attributed largely to the fall in the rate of sudden infant death syndrome (SIDS).

Hospitalisation rates (all causes)

Normal childbirth and complications of pregnancy and childbirth are the most common main causes of hospitalisation among New Zealand women, accounting for nearly a quarter of discharges in 1995/96. The next two most frequent major causes of public hospital discharges in 1995/96 included sterilisations and staying in hospital with a sick child (15 percent of total hospitalisations).

Fertility rates

Fertility rates have increased slightly since the historic low of 1.92 births per woman in 1983. In 1995 the total fertility rate was measured at 2.04 births per woman. The total number of live births decreased slightly from 60,153 in 1990 to 57,791 in 1995. The Māori fertility rate has risen from an all-time low of 2.14 births per woman in 1986 to 2.38 in 1995, although this small increase may be due to changes made in 1995 to the coding of ethnicity for infants.

Although overall fertility levels are reasonably close, the pattern of childbearing of Māori and non-Māori women contrasts sharply. Among Māori women, childbearing is much more heavily concentrated in the younger age groups. In 1995, for example, the age-specific fertility rate for Māori women aged 20–24 years was 150.4 per 1,000 women, compared with a rate of 83.6 per 1,000 for all New Zealand women. Māori women tend to have slightly larger families and to have them at a younger age.

Teenage fertility remains comparatively high in New Zealand. The overall fertility rate for women aged 15–19 years was 34 per 1,000 females in 1995, roughly the same as the level in 1990. However, the Māori teenage fertility rate was 82.3 per 1,000 females, up from 76.9 five years earlier.

HEALTH RISKS FOR WOMEN

Tobacco smoking

Tobacco smoking is now considered the biggest single cause of premature death and disease in New Zealand women, and female deaths from smoking continue to rise, contrary to the trend for New Zealand men.

The 1996 Census found that at all ages from 15–29, women were more likely than men to be smokers or ex-smokers. New Zealand's younger women and Māori women have high smoking rates. In a 1992 nationwide survey of 14–15 year old school students, female Māori students were most likely to be current smokers (45 percent) with 33 percent reporting that they were daily smokers (Ford et al 1995).

Alcohol use

A 1995 survey found that 27 percent of the alcohol consumed in New Zealand is consumed by women (Wyllie et al 1996). Women drink less than men in all age groups, and overall have a mean annual consumption of alcohol of 2.1 litres of absolute alcohol. Women are much less likely than men to experience mental health disorders related to alcohol and drug use.

Physical activity

A detailed study of the physical activity levels of New Zealanders has found that a quarter of women had a low level of activity, being active for less than 21 hours in a week. Women in their early twenties (30 percent) and elderly women (34 percent) were particularly likely to have low activity levels (Hopkins 1991).

Obesity

Studies in Auckland, New Zealand's largest population centre, show that from 1982 to 1994 the percentage of women aged 35–64 classed as overweight or obese has increased significantly from 36 percent to 45 percent. Dietary factors are thought to be the main reason for this increase, especially excessive dietary fat intake.

Cardiovascular disease

Cardiovascular disease, which includes ischaemic heart disease and stroke, is the leading cause of death for New Zealand women.

Ischaemic Heart Disease

IHD accounted for 23 percent of deaths among New Zealand women in 1994. Mortality rates from IHD for both Māori and non-Māori females have declined since the mid-1980s, although Māori rates are decreasing more slowly.

Cerebrovascular Disease (Stroke)

Women's death rates from strokes have been falling since the early 1970s, but not as fast as men's rates. Māori women's rates have also been slower to decrease than those of non-Māori women. Strokes accounted for 1,631 deaths among women in 1994, mainly in the oldest age groups. Māori women were slightly more likely than non-Māori women to die from strokes.

Chronic Rheumatic Heart Disease (CRHD)

The incidence of CRHD appears to be highest in rural and urban communities with high Māori and Pacific populations (Sector Analysis 1996). Caused by childhood rheumatic fever, CRHD is the only form of heart disease in New Zealand where the female mortality rate is higher than for males.

Te Hotu Manawa Māori, the Māori arm of the National Heart Foundation, received funding to conduct regional studies to establish the incidence of CRHD and is working on increasing the awareness and early diagnosis of rheumatic fever among both doctors and communities.

Cancer

Cancer accounted for 26 percent of female deaths and 27 percent of male deaths in 1994 and was the second most common major cause of death in New Zealand (calculated from NZHIS 1997a). The three main sites for cancer causing death among women are the breast (18 percent of cancer deaths in 1993), the large bowel (16 percent) and the lung (14 percent) (NZHIS 1997e). Māori women have higher death rates from cancer than non-Māori women.

Breast cancer

Breast cancer is the leading cause of new cancer registrations and cancer deaths among New Zealand women, with approximately 1,600 new cases diagnosed each year. On average, about one woman in 12 will develop breast cancer at some point during her lifetime (Sector Analysis 1996). The number of deaths from breast cancer has increased by about a third in the past 20 years, which may be due in part to New Zealand's ageing female population (Sector Analysis 1996). The breast cancer death rate for non-Māori women is reported to be the second highest in the OECD, while Māori women rank around tenth highest. However, studies indicate that Māori and Pacific women are more likely to present with breast cancer at an advanced stage (Sector Analysis 1996). Breast cancer death rates are slightly higher among non-Māori women than Māori women.

The Government is implementing a national breast cancer screening programme, which will provide free two-yearly screening mammograms to asymptomatic women aged 50–64. The HFA is implementing the programme in stages, with the first screening and assessment services due in 1998.

Large bowel cancer

Large bowel cancer (which includes cancer of the colon and rectum) is the second most common site of cancer deaths and registrations among New Zealand women. Annually, over 500 women die from large bowel cancer (NZHIS 1997e), with non-Māori having over double the mortality rate of Māori women (20 compared to 9 deaths per 100,000 women) (NZHIS 1997a).

Lung cancer

Each year around 500 New Zealand women are newly-registered as having lung cancer and almost as many women die from the disease (NZHIS 1997a; NZHIS 1997e). Compared to non-Māori women, Māori women have over two-and-a-half times the age-standardised rates of lung cancer (46 versus 17 per 100,000 in 1994) and continue to have the highest rate of lung cancer death in the OECD (NZHIS 1997a; Sector Analysis 1996).

Government policy to reduce lung cancer focuses on reducing smoking, especially among young women and Māori women. The Ministry of Health has sponsored advertising campaigns targeted at teenagers and Te Hotu Manawa Māori receives government funding to carry out education and awareness programmes and to support Māori smokefree initiatives.

Ovarian cancer

Over 170 New Zealand women die and about 240 women are registered as developing ovarian cancer each year (NZHIS 1997a, 1997e). The relatively high fatality rate is attributed to late detection because of lack of symptoms and no reliable ways to screen for the disease.

Cervical cancer

Each year about 80 New Zealand women die from cervical cancer and 200 women are diagnosed as having invasive cancer of the cervix (NZHIS 1997e, *Progress on Health Outcome Targets 1997*). However, both death rates and registration rates for cervical cancer have been declining since the late 1980s, probably because of improvements in cervical screening (*Progress on Health Outcome Targets 1997*). In 1994 the age-standardised death rate from cancer of the cervix was 3 per 100,000 women (calculated from NZHIS 1997a). On average, approximately one in 88 New Zealand women will develop cervical cancer by age 75 (*Progress on Health Outcome Targets 1997*). Māori women are over two-and-a-half times more likely to develop the disease as non-Māori women.

A National Cervical Screening Programme became fully operational in 1992, which promotes regular cervical screening for all women aged 20-70 years. Priority groups for the programme are mid-life and older women, and Māori and Pacific women. Screening services are managed and delivered at the local level by a range of providers including general medical practitioners, nurse and lay smear-takers, midwives, health educators and laboratories.

The programme is supported by the National Cervical Screening Register (NCSR), which is a confidential record of all cervical smear and histology (tissue) tests of women in the programme and which acts as a backup and safety net for women and doctors. As at June 1997, over 83 percent of eligible women are enrolled and coverage (women who have had a smear in the last five years) is 81 percent. Women make an informed choice on whether to be included on the register through an 'opt-off' system. There are areas where enrolment is low in comparison to other parts of the country and enrolment rates decline as age increases. These issues are being addressed.

Respiratory diseases

After cardiovascular disease and cancer, respiratory disease is the third leading broad cause of death for women, resulting in 34 deaths per 100,000 women in 1994 (calculated from NZHIS 1997b).

Injury (including motor vehicle crashes)

Although death from unintentional or intentional injury is more common for men than women, injury is the fourth most important broad cause of death for women, causing 24 deaths per 100,000 women in 1994.

Young adult New Zealand women have the highest rate of death from injuries sustained in motor vehicle crashes in the OECD countries. This was the leading cause of death for women aged 15–44 in 1990–92 (Sector Analysis 1996). In 1994 the Māori female age-standardised mortality rate for from motor vehicle crashes was 17 per 100,000, almost double the rate for non-Māori of 9 per 100,000 (NZHIS 1997a).

Suicide and attempted suicide

In 1995 suicide was the leading cause of death for women aged 15–24, with 34 women dying. This represents a rate of 13 deaths per 100,000 women, the highest rate of female youth suicide in the OECD countries for which comparative figures are available. At 44 deaths per 100,000 the suicide rate for men aged 15–24 in 1995 was significantly higher. In 1993 Māori females aged 15–19 years had the highest rate of intentional self injury. For the 20–24 year age group, the rate of intentional self-injury for Māori women is higher than that of non-Māori women.

Women are more likely than men to injure themselves intentionally. In 1994 women made up two-thirds of in-patient and day-patient hospitalisations for self-inflicted injury (NZHIS 1997d). Hospitalisation rates for attempted suicide and self-inflicted injury were higher for women than for men at all ages until 55, when they converged.

As part of the National Youth Suicide Prevention Strategy work is being done to help prevent young women self-harming or completing suicide.

Diabetes

Adult onset diabetes is a particular concern for Māori and Pacific women. Māori women had nearly seven times the death rate from diabetes of non-Māori women (47 versus 7 deaths per 100,000) (NZHIS 1997a). Pacific women also have a relatively high death rate from diabetes, with 17 deaths recorded per 100,000 women in 1990–92 (Sector Analysis 1996).

Auto-immune diseases

New Zealand women are significantly more likely than men to be affected by various types of auto-immune diseases such as systemic lupus erythematosis (SLE), rheumatoid arthritis, multiple sclerosis (MS) and myalgic encephalomyelitis (ME). New Zealand has one of the highest rates of multiple sclerosis in the world, with women of Celtic ancestry most at risk of the condition (Sector Analysis 1996).

MENTAL HEALTH

A large-scale psychiatric epidemiology study conducted in Christchurch in 1986 found that women and men had similar prevalence rates overall for diagnosable psychiatric disorders, although women had higher rates of depression and anxiety. Māori women continue to be admitted to psychiatric hospitals for alcohol and drug dependence and abuse, schizophrenic disorders, affective psychoses, and stress and adjustment reactions, at rates between two and two-and-a-half times those of non-Māori women.

Postnatal depression

About 14 percent of New Zealand mothers are thought to experience minor depressive symptoms in the time immediately following the birth of their child, and nearly 8 percent experience a more long-lasting period of severe depression. Younger women, women without partners, Māori, and those on low incomes and with fewer educational qualifications are most at risk (Webster et al 1994).

OLDER WOMEN

Women make up the majority of New Zealand's older population. The three major issues for older women are preventable infection, falls and hip fractures.

Preventing influenza

The Government has focused on protecting older people from preventable infection, such as influenza. From the beginning of 1997 annual influenza immunisation became available free of charge to all New Zealanders 65 years and over.

Falls

The group most commonly admitted to hospital for falls are non-Māori women, particularly those over 75 years old (Robertson & Gardner 1997). In 1994, 138 New Zealand women died from falls, an age-standardised rate of 3 per 100,000 (calculated from NZHIS 1997a). Non-Māori women have higher age-standardised hospitalisation rates than Māori women – 511 versus 430 per 100,000 in the year to 30 June 1996 (calculated from NZHIS 1997b). There were 12,836 hospitalisations in 1995/96.

Hip fractures

In the year to 30 June 1996 there were 2,407 hospitalisations for women with fractures of the neck of the femur (compared to 849 for men). Hip fracture predominantly occurs in older European women, with rates of hip fracture among Māori and Pacific populations being among the lowest internationally (Sainsbury & Richards 1997; Norton et al 1995). Women's susceptibility to hip fractures from falls is directly linked to their susceptibility to osteoporosis, with Europeans thought to have lower levels of bone mineral density than Māori and Pacific women (Sector Analysis 1996). Policies to decrease the incidence and effects of falls have focused on obtaining a clearer understanding of reasons for falls, risk factors of osteoporosis, and determining what effective preventive measures can be put in place.

Older women make up a significant majority of fall-related claimants to the Accident Rehabilitation and Compensation Insurance Corporation (ACC). In 1996/97, 81 percent of new claims for falls in older persons were from women. In recognition of the high impact of falls on older persons, the ACC has included a focus on fall prevention as part of its injury prevention programme. The Corporation also funds the Fall Prevention Research Group at Otago University, which has recently conducted a fall prevention study for women over the age of 80. A personalised exercise programme was developed and after one year the intervention group had 40 percent fewer falls than the control group.

ACCIDENT REHABILITATION AND COMPENSATION INSURANCE CORPORATION (ACC)

Accident compensation is provided to all New Zealanders on a 24-hour coverage and no-fault basis.

Men make up the majority of claimants. Women tend to be more highly represented within shorter term and minor claims, medical misadventure claims, and claims for gradual process injuries (such as occupational overuse syndrome conditions).

Recent changes made to accident compensation, which have impacted on women include the removal of lump sum payment for pain, suffering, loss of enjoyment (such as through sexual abuse) and loss of faculty or physical ability; and the tightening of criteria for medical misadventure claims. These changes reduced access to higher levels of compensation for some women, particularly non-earners.

In 1996 regulations were introduced, which allowed greater flexibility and discretion in the way ACC assesses entitlements for: home help, child care and attendant care. This allows ACC to fully compenste those entitled on the basis of actual need.

DISABILITY

The 1996 Household Disability Survey, sponsored by a group of government and non-governmental health and disability agencies and undertaken by Statistics New Zealand, measured the prevalence and nature of disability in a representative sample of more than 20,000 children, adults and older persons in the New Zealand population.

The survey found 17 percent of women in the 15–64 age group and nearly half (49 percent) of all women 65 or older had some form of disability. Disability was less common for females under 15 years old (9 percent). Māori women in the 15–64 age group had a slightly higher rate of disability than their European counterparts (19 percent).

The most common types of disability for girls aged 0–14 years were chronic conditions (such as severe asthma, cancer, heart disease, diabetes), sensory disabilities (hearing and seeing problems), and psychiatric and psychological conditions that limit daily activity. Among women aged 15 and older, the most common types of disability were physical conditions (such as mobility and agility problems), sensory disabilities, and psychiatric and psychological conditions.

Disability support services

Depending on life stage and age, as well as their particular disability or disabilities, women with disabilities often use one or several disability support services in order to live as independently as possible, and to participate in society. Although the funding for disability support services has increased with more people receiving personalised support packages, funding is capped and access to services is based on prioritised needs. The HFA is increasingly having to focus on people with high needs, so that women with lesser needs may be missing out.

In 1996/97 public health expenditure on disability support services was $1215 million, or 25 percent of all public health expenditure. Of this total, approximately 53 percent of public expenditure on disability support services was on age-related disability, 17 percent on intellectual disability, 18 percent on psychiatric disability, and 12 percent on physical/sensory disability.

Historically, most of the funding for long-term services for older people has been spent on hospital and rest home care, but the HFA is increasingly moving towards a greater emphasis on the provision of home support services to enable older people to remain in their own homes. More younger people, often with quite severe disabilities, are also being encouraged to live independently in the community with the aid of support services such as personal care. Women with disabilities have specific health needs, especially in relation to contraception, family planning and access to a range of increasingly prioritised personal health services. Due to pre-existing disability or a long-term health condition, private medical insurance is rarely an option.

Many of the programmes transferred to the health sector from the Department of Social Welfare targeted those in education or training for employment. Such programmes did not meet the needs of younger women unable to take up paid or unpaid work outside the home due to childcare and household responsibilities, or older retired women. Although it had been anticipated that needs assessment and an integrated budget would mean greater flexibility in meeting at least some of these unmet needs, the pressure of budget demands has generally led to a tightening of criteria.

Women as caregivers

Women are involved in caring for many people with disabilities, such as their children, spouses or other family members. Increasingly older people care for the very old, as community care for people becomes more established. Caregiver support is available through the HFA or Accident Rehabilitation Compensation Insurance Corporation (ACC), but many caregivers consider the level of support available through the HFA to be insufficient to meet their needs.

WOMEN IN THE HEALTH WORKFORCE

Most health sector workers are women. Well over 90 percent of nurses are women, and the percentage of women training as doctors (45 percent in 1995) almost equals that of men. The number of females active in the medical workforce has increased over the last 15 years, from 16 percent in 1980 to 28 percent in 1994. Women are also more likely to be care-workers, a growing occupational group yet to acquire recognised status.

Not captured by official statistics is the level of voluntary and unpaid work by women in the sector, such as Māori community health workers. The trend

away from institutional care and towards supporting people in the community relies on the availability of people in the community to undertake unpaid caregiving, usually women. Women provide health promotion and primary care services and play a crucial role in child health, care of older people, and care for people with disabilities and mental health disorders.

SEXUAL AND REPRODUCTIVE HEALTH

Strategy on Sexual and Reproductive Health

The Government announced its Strategy on Sexual and Reproductive Health in mid-1996. The aim of the strategy is to promote responsible sexual behaviour, minimise unwanted pregnancy and reduce abortion rates, reduce the spread of sexually transmitted diseases (STDs) including HIV/AIDS, and improve access to contraceptive information and products. Other components of the strategy were free access to contraceptive advice and counselling for high risk groups, which are defined as those having a high abortion rate. In particular, mechanisms are being developed to target assistance to young women, and Māori and Pacific women for whom access to culturally appropriate contraception information and services is a significant issue; based on 1991/92 figures, Pacific women have the highest abortion rate in New Zealand.

Pilot programmes to improve the delivery of sexuality and reproduction health services to Pacific people are being developed. In December 1997 the Government announced that it would fund a three year project called Making Waves to address and reduce the issue of the high number of abortions and unplanned pregnancies amongst Pacific women.

HIV/AIDS

At 30 June 1997 the total number of people notified in New Zealand since 1983 as having AIDS was 621, of whom 593 were male and 28 female. A total of 116 women have been found to be infected with HIV in New Zealand since 1983 and an increasing proportion of the HIV cases are attributable to heterosexual transmission (33 percent).

Contraception

The 1995 New Zealand Women: Family, Employment and Education survey conducted by the Centre for Population Studies at Waikato University found that 90 percent of sexually active non-Māori women and 78 percent of sexually active Māori women in the 20–29 year age group had used contraception in the preceding four weeks. The pill and condoms were the contraception methods used most commonly by sexually active 20–29 year old women. Partner vasectomy and female sterilisation (tubal ligation and hysterectomy) were the methods most commonly used by sexually active women aged 40–49. Younger women were more likely than older women to use contraception the first time they had intercourse, with 66 percent of non-Māori women and 41 percent of Māori women in the 20–29 year age group using contraception at first intercourse (Midland Health 1997).

Contraceptive services

Since 1 March 1997, as part of the Government's Strategy on Sexual and Reproductive Health, two varieties of oral contraceptive pill have been available fully subsidised and it is hoped other brands of oral and injectable contraceptives can be added to the fully subsidised list in 1998. Patients pay only a $3 prescription administration charge.

Abortion

The number of induced abortions performed increased from 11,173 in 1990 to 14,807 in 1996, and reflects an increase in the number of women of childbearing age. In 1995 the general abortion rate was 16.4 abortions per 1,000 women aged 15–44 years, up from 14 per 1,000 in 1990. In 1995 just under half of all abortions were performed on women under 25 years of age, and the Māori rate (28.5 per 1,000) was almost double the non-Māori rate (15.1 per 1,000). Māori women having abortions tend to be younger than non-Māori women, reflecting their fertility pattern.

Abortion rates among Pacific women have increased since the 1980s. This has been attributed to the low use of contraception by Pacific people, which in turn has been linked to prevailing cultural beliefs about ideal family size; parents' reluctance to discuss sex with their children; religious beliefs about contraception; a lack of culturally-appropriate contraceptive methods and services; the cost of contraception; and a lack of contraceptive knowledge (Public Health Commission 1994). The Government's Strategy on Sexual and Reproductive Health includes specific initiatives for Pacific women.

New birth technologies

Since 1992 there has been an increase in the number of clinics offering assisted human reproduction services, including in vitro fertilisation (IVF) and Intracytoplasmic Sperm Injection (ICSI). A range of services to treat infertility are provided, but there is uneven access to publicly funded services. About half of the funding is contributed privately although consideration is being given to increasing the public funding allocated to these services.

The regulation of assisted reproductive technologies (ART) services in New Zealand involves a mix of statutory provisions, which govern who may provide medical services, and professional self-regulation, which provides guidelines for practitioners who provide ART services. Research and new treatments are subject to ethical review and cannot proceed without approval from the National Ethics Committee on Assisted Human Reproduction.

Following the 1994 report of the Ministerial Committee on Assisted Reproductive Technologies, the Government agreed that there should be legislation to:

- prohibit certain practices (including the cloning of human beings)
- establish a scheme for the collection, retention and disclosure of information in order to allow children born as a result of ART procedures to access information about their genetic origins
- establish in legislation the National Ethics Committee on Assisted Human Reproduction (currently a ministerial committee established by the Minister of Health).

The proposed legislation is expected to be introduced in 1998. A private member's Bill is currently being considered by a Select Committee. This Bill aims to establish statutory licensing of ART providers and facilities, a centralised record-keeping system, and prohibit a number of activities, including human cloning and commercial surrogacy.

Maternity services

Changes to the purchasing of maternity services, which were made on 1 July 1996, aimed at delivering:

- improved information to women so they can make an informed choice of maternity carer
- implementation of the lead maternity carer concept
- a set of guidelines clarifying when specialist services are required
- improved accountability through more detailed service specifications
- improved collection of information about maternity services and their outcomes
- a capped total cost.

The service specifications for maternity services include provision of antenatal care and education (including nutritional requirements), initiation of breastfeeding, and follow-up checks to six weeks after the birth, as well as labour and delivery. However, the wide variation in provider responses to the new arrangements has meant pregnant women in different areas may face different options. Consultation is continuing on any readjustments needed to ensure the effectiveness of maternity services.

Measures to reduce the length of stay in hospital following birth, unless clinically indicated, have been introduced by some hospitals. Various supports are provided to women who return home soon after the birth, such as a week's free supply of nappies, or a certain number of hours of home help for those who leave hospital within 48 hours.

Women with disabilities have special needs as mothers. There are also recognised gaps in services for those who have children, and some maternal/child services are not physically or attitudinally friendly to women with disabilities. Other support services such as vehicle grants, or home support help, are targeted to those on low incomes.

A survey is currently underway on the dietary intake of pregnant women, focusing on at-risk groups. In addition, a comprehensive nationwide survey on nutrition status is being undertaken which will not examine pregnancy in particular, but will focus on iron status, particularly for women of childbearing age. The results of both studies will be available in late 1998.

VIOLENCE AGAINST WOMEN

The risk of victimisation, and the risk of violence in particular, is not evenly distributed across the New Zealand population. Findings from the first national survey of crime victims suggests that, while men and women are equally at risk of violence, they are exposed to different types of violence (Young et al 1997). New Zealand men are at greater risk of assault by strangers and casual acquaintances whereas women are at greater risk of being assaulted by those they know well.

A second phase of this research has more specifically explored violence against women (Morris 1997). Twenty-five percent of women with current partners and 75 percent of the women with recent partners reported experiencing one or more acts of physical or sexual abuse by their partners. Fifteen percent of women in a current relationship reported experiencing one or more act of physical violence or sexual abuse by their partner in the previous year.

These findings can be compared with men's accounts of the abuse they have used against their female partners. In another national survey in 1994, about one in three men admitted committing an act of physical abuse against a female partner over their lifetime and 21 percent admitted committing such an act in the previous year. Given some minor differences in the definition of abuse used in the two studies, women's and men's reporting rates were remarkably similar.

Women who have recently separated from male partners reported higher rates of partner abuse (73 percent compared to 24 percent for women currently in a relationship) and are more likely to have received medical treatment from a doctor as a result of violence by their male partner (7 percent compared to 1 percent for women currently in a relationship).

Māori women are at increased risk of physical or sexual abuse by their male partner and at greater risk of repeat or multiple victimisation. Māori women are also more likely than non-Māori women to have received medical or hospital treatment as a result of their partner's violence.

Domestic violence

Domestic violence is also discussed under Article 16: Marriage and Family Life and details of the Domestic Violence Act 1995 are outlined in Article 2: Anti-Discrimination Measures.

Sexual violation

Over the decade to 1996, convictions for violent sexual offences (rape, unlawful sexual connection, attempted sexual violation, and indecent assault) nearly tripled, with a large part of the increase occurring between 1988 and 1993. Convictions for rape increased between 1992 and 1995, but dropped slightly in 1996. Eighty percent of the convictions for a violent sexual offence in 1996 involved a victim aged 16 years or less.

A recent survey of women using Rape Crisis services between 1992 and 1996 showed that the majority of survivors of rape and/or sexual abuse who contacted the centres were adult (86 percent) and identified as New Zealand Pakeha/European (70 percent). A significant minority self-identified as Māori (25 percent). The survey also disclosed that two-thirds of survivors did not report the rape/abuse to the Police, and fewer than half had or were intending to put in accident compensation claims for counselling costs.

In 1993 the Government increased the maximum term of imprisonment for both rape and unlawful sexual connection. The average length of custodial sentences imposed for rape in 1996 was 88.4 months, higher than any other figure in the last decade. An informal survey in 1996 showed rape sentences had increased on average by 14 months since 1993.

Sexual abuse counselling is provided by help centres, sexual abuse centres, health services or privately. Some Rape Crisis centres also provide sexual abuse counselling.

Female genital mutilation

There is no documented evidence that female genital mutilation (FGM) is practised in New Zealand. However, New Zealand has an increasing number of migrants from countries where it is practised. Although it is difficult to quantify the population risk in New Zealand, there are a small number of women and girls living in New Zealand who have been subjected to genital mutilation or who are at risk of being subjected to it.

From 1 January 1996 an amendment to the Crimes Act made the practice of female genital mutilation expressly illegal in New Zealand. It is also an offence to be involved in arrangements to remove a child from New Zealand in order to carry out the procedure in another country.

In December 1995 the Public Health Group of the Ministry of Health provided information on female genital mutilation to health professionals, health training institutions and other relevant sectors. Health professionals and key people in other government sectors were advised of the health and legal consequences of genital mutilation. A pilot education project was then put in place in the northern region focusing on research, health care, child protection, and community education. Following this, the THA funded a national FGM education programme. The programme's aims are to prevent the occurrence of female genital mutilation in New Zealand through

community education, support, and health promotion, and to assist women and girls living in New Zealand who are at risk of or have been subjected to FGM.

The programme focuses on improving health care services for genitally mutilated women through comprehensive training of general practitioners, gynaecological and obstetric staff, midwives and nurses. A child protection network has been established by training social welfare, police and education professionals and providing education programmes to communities affected by the practice. National guidelines on health care and child protection and comprehensive education training resources have also been developed.

In collaboration with the education programme, New Zealand's largest women's hospital has established an FGM clinic. The clinic provides specialised care for women who have undergone genital mutilation, including gynaecological assessment and referral, de-infibulation (rehabilitative surgery) counselling, maternity care and women's reproductive health education.

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ARTICLE 13
ECONOMIC AND SOCIAL LIFE

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) the right of family benefits;

(b) the right to bank loans, mortgages and other forms of financial credit;

(c) the right to participate in recreational activities, sports and all aspects of cultural life.

PROGRESS

Hillary Commission activities:

- The development of the Winning Women strategy.
- A programme in schools to increase the levels of participation by young women in sport and recreation.
- The 1996 Sport and Physical Activity Survey.

INCOME SUPPORT

Details of the income support available are covered in Article 11: Employment, and Article 16: Marriage and Family Life.

RETIREMENT INCOME

A tax-funded benefit, New Zealand Superannuation, is paid to older New Zealanders for whom the entitlement age is being raised progressively until it reaches 65 in 2001. The level of the benefit relative to wages has fallen, and it has been lightly targeted on the basis of individual income through the application of a tax surcharge. The removal of the tax surcharge in 1998 is proposed, at which time the benefit will become an age-related, universal payment. New Zealand has no other explicit or implicit supports, such as tax incentives, for individual or employer provision for superannuation.

Recent years have seen significant debate over New Zealand Superannuation and its sustainability. In 1992 a taskforce examining the alternatives of tax incentives and compulsory savings recommended retaining New Zealand Superannuation and a neutral savings environment. In 1996 a referendum on whether New Zealand should introduce compulsory retirement savings resulted in an overwhelming negative vote. A report on options for New Zealand Superannuation in the context of an ageing population is currently under consideration by Government. Efforts are being made to reach consensus amongst the Parliamentary political parties. Retirement income is of particular interest to women as they are vulnerable to reductions in the level of payment as they are less likely than men to have savings on retirement.

LOANS, MORTGAGES AND CREDIT

The Human Rights Act 1993 prohibits discrimination on the grounds of gender in the provision of goods, facilities or services. ('Facilities' is specifically defined

to include banking, insurance, and facilities for grants, loans, credit or finance.) It is illegal to refuse to provide loans, mortgages and credit services, or to treat anyone less favourably in connection with the provision of those services, because of their gender.

The Banking Ombudsman Scheme took effect from 1 July 1992. The Banking Ombudsman has the power to investigate complaints against banks which are members of the Banking Ombudsman Scheme. All the main retail banks are members of the scheme, but there are other providers of loans, mortgages and credit which are not banks and therefore are not covered.

Investigations have shown that banks have practices and policies that are free of discrimination. The Banking Ombudsman has noted, however, that some bank staff display attitudes that discriminate against women customers and she has questioned whether bank staff are receiving sufficient training in this aspect of their relationship with customers. The Banking Ombudsman also reports that complaints arise out of the operation of joint accounts, usually in the context of the breakdown of a marriage or de facto relationship. The Banking Ombudsman notes that in a few instances it has been difficult to escape the conclusion that bank officers have taken sides in a dispute between the parties. While no overt cases of discrimination on a gender basis have been reported, most complaints of this kind have been lodged by women.

A 1996 revision of the Code of Banking Practice provides a much greater commitment on the part of banks to giving joint account holders appropriate information about the operation of a joint account and the liabilities and responsibilities of the parties to a joint account. However, problems continue to arise out of the provision of joint credit, especially where one party has obtained further or other credit without the knowledge of the other party. This should now reduce, as the Code requires banks to advise customers offering jointly owned assets as security for borrowing that independent legal advice should be sought about individual liability for debts incurred, both at the time of borrowing and in the future.

Māori Women's Development Fund

The Government funds the Māori Women's Development Fund (MWDF) to assist with Māori economic development by increasing the number of Māori women in business. Through the fund, Māori women have been able to access financial assistance which has not been available to them from other sources. The fund approved 39 loans in the period August 1995 to March 1997 with a total value of $641,600 and applicants estimated that these loans would create 116 jobs. Few businesses established with MWDF loans fail, and an evaluation of the fund by KPMG in March 1997 attributed this to the mentoring and monitoring provided by the fund's trustees.

Other initiatives to assist women to establish small businesses are described in Article 11: Employment.

Women's Loan Fund

Women can borrow money from the Women's Loan Fund with no interest payable. The Fund, which has received support from the Community Employment Group of the Department of Labour, has been used by women for a variety of reasons including car repairs, school fees and unexpected bills. Somali refugees working towards reuniting their families have also used it. The average amount loaned is $500 and loans must be repaid.

The Women's Loan Fund has been in operation for five years and has several branches throughout New Zealand.

RECREATION AND SPORT

Māori women and sport

There are a number of recreational programmes and activities operating in Māori communities. While events and activities tend to focus at the whānau (family), hapū (sub-tribe) and iwi (tribe) levels, there are several recreational programmes, which are aimed specifically at Māori women. There include the Healthy Lifestyle Programme, an holistic programme for women of all ages, organised by the Māori Women's Welfare League. This programme works with women who do not have strong ties with iwi or marae (community meeting-place). One of its primary objectives is to improve the health of young Māori women by reducing the incidence of smoking at national netball tournaments. The programme promotes healthy lifestyle activities activities in a smokefree sporting environment.

1996 Sport and Physical Activity Survey

The Hillary Commission's 1996 Sport and Physical Activity Survey shows that participation in sport and physical activity is at a high level for men and women of all ages and cultures.

Participation in sport and physical activity by New Zealand adults

	Female		Male		All Adults	
	Annual	4-week	Annual	4-week	Annual	4-week
% of adults taking part in at least one sport or activity	94	88	93	82	94	85
Number of adults taking part	1.3m	1.2m	1.2m	1.1m	2.5m	2.3m
% of adults taking part in at least one sporting activity	74	64	82	64	78	60
Number of adults taking part	0m	0.8m	1.1m	0.8m	2.1m	1.6m
Average number of sports/ activities per participant	4.0	2.4	4.5	2.4	4.2	2.4

Note: 1 Annual = participation in last 12 months. 4-week = participation in a 4-week period.

2 The number of adults is shown in millions, rounded to the nearest 100,000.

Top ten sports and physical activities for men and women

	Female			Male	
1	Gardening	(63%)	1	Gardening	(44%)
2	Short walks	(45%)	2	Short walks	(29%)
3	Long walks	(43%)	3	Long walks	(29%)
4	Exercising at home	(33%)	4	Swimming	(26%)
5	Swimming	(32%)	5	Golf	(25%)
6	Aerobics	(20%)	6	Exercising at home	(24%)
7	Exercises classes/gym	(18%)	7	Running/jogging	(19%)
8	Cycling	(14%)	8	Cycling	(18%)
9	Netball	(11%)	9	Exercise classes/gym	(16%)
10	Tramping	(10%)	10	Touch rugby	(14%)

Note: The figures are for participation in the last 12 months. Cycling includes recreational and competitive.

Involvement as coaches, officials and administrators

	% Female	% Male
All volunteers	15	22
coaches and instructors	8	13
referees and officials	7	10
administrators	8	9
All paid/partly paid	3	3
coaches and instructors	2	2
referees and officials	<1	1
administrators	1	1
Parent helpers	14	10
Not involved in these roles	73	71

Nine out of 10 people of both sexes and all ages take part in at least one sport or physical activity over a year, while in a 4-week period over 8 out of 10 people are active in some way. Both men and women report a very high level of participation when all activities are taken into account, although over a year men take part in more activities (4.5 activities) than women (4 activities). Active participation in sporting activity is higher for men than women – 82 percent of men take part in at least one sporting activity over a year compared with 74 percent of women. More women than men garden, walk, swim, exercise at home or in classes, go to the gym, ride horses and play netball. Sixty-three percent of the people who join any sort of a club choose a sports club (57 percent women and 70 percent men).

Just under 3 out of 10 New Zealand adults are involved in sport and physical activity as coaches, instructors, referees, officials, administrators and parent helpers. Women and men are involved in these roles to a similar extent, although more men than women are coaches.

Winning Women Strategy

In February 1995 the Hillary Commission launched the Winning Women Strategy. The cornerstone of the Strategy is the Winning Women Charter, based on the Brighton Declaration on Women in Sport.

When the Commission adopted the charter it recognised that New Zealand women were less involved than their male counterparts in both formal and informal sport. Approximately 34 percent of women were involved in informal sport, compared to 50 percent of men; and 25 percent of women participated in organised sport, compared to 38 percent of men. Despite the growing participation of women and

girls in sport only 27 percent of national board members were women, and more than one-third of sport's national governing bodies had no women on their boards. Women were also significantly under-represented in high performance coaching roles. (Hillary Commission figures.)

The Hillary Commission reported in 1997 that 16 national sports organisations have pledged their support to women and girls in their sport by adopting the charter, and that around 86 percent of national sports bodies now target women in their strategic planning. The Commission's Winning Women leadership course for women interested in being sports leaders or moving up the sporting ladder has proven to be very popular, with about 50 sessions held around the country annually. Nearly 1,000 women graduate from these courses every year.

The Strategy is multi-pronged. It includes working with national sports organisations, supporting programmes aimed at increasing the levels of participation by women in those sports; providing media and public relations training for administrators, coaches and athletes in national sports organisations; providing presentation and media skills training to sportswomen; training female athletes as role models; visits of female athletes to schools; a national forum of women sports leaders in 1996; and, providing gender equity training to key personnel in national and regional sports organisations.

Schools programme

The Hillary Commission provides substantial support for increasing the levels of participation by young women in sport and recreation. Research demonstrates that as a result of the Commission's KiwiSport (a modified sport programme) and Sportfit (a secondary school sports programme), sporting participation by girls and boys under 12 is almost equal. A particular highlight has been the substantial increase (12 percent since 1994) of young women of secondary school age who participate in sport at school.

Research

The Hillary Commission has undertaken extensive research into the issues facing women as leaders in sport, issues facing female coaches, and media coverage. From these projects the Commission has developed and implemented new leadership programmes and has encouraged national and regional organisations to take new approaches to coaching.

Media coverage of women's sport

The Hillary Commission is committed to improving the media coverage of women's sport. Comparative studies of newspaper coverage in 1992 and 1996 reveal a sharp decrease in the percentage of space devoted to female sport from 12.4 percent in 1992 to 4.4 percent in 1996 (McGregor & Fountaine 1997).

Sport, Fitness and Recreation Industry Training Organisation

The Sport, Fitness and Recreation Industry Training Organisation (SFRITO) was established in 1993. By 1996, 52 percent of SFRITO's trainees working towards national qualifications were women.

CULTURE

The Statistics New Zealand publication *New Zealand Cultural Statistics 1995* includes a section on women's role in the cultural sector. This material is based on material from the 1991 Census.

In 1991 women were 54 percent of those employed in cultural industries. Women predominated in some occupations such as librarians (88 percent); bookselling (71 percent); wardrobe assistants (85 percent); dancers (70 percent); choreographers (92 percent); clothing designers (87 percent); and singing and music teachers (79 percent). On the other hand, 30 percent of photographers and landscape architects were women; just 9 percent of architects; and 28 percent of instrumentalists. The survey shows that in 1991 women tended to be more likely than men to be working part-time; more likely to be earning incomes of less than $20,000 and less likely to be earning incomes of over $40,000.

The Ministry of Cultural Affairs and Statistics New Zealand has commissioned further research on employment in the cultural sector which will provide additional information by gender and ethnicity in mid-1998.

The Government's arts funding body, Creative New Zealand, in partnership with the Hillary Commission, has commissioned a survey of New Zealanders' participation in sports, physical activities and the arts, which will include information on a wide range of arts activities, disaggregated by gender and ethnicity. A further study on the professional practising artist will provide data on the careers and incomes of women artists in 1999.

Importance of cultural activities

In 1994 and 1997 the Ministry of Cultural Affairs conducted surveys of New Zealanders' attitudes towards culture and cultural activities. The surveys found that women are generally more positive about the role of cultural activities in society than men, and tend to have higher personal levels of interest. More women (35 percent) than men (18 percent) said that they were 'very interested' in culture and cultural activities, and 50 percent of Māori respondents are 'very interested', compared to 23 percent of New Zealand Europeans. More women than men wanted more coverage of cultural activities by the media, while more men than women wanted increased business coverage.

Māori culture

More than 80 percent of those surveyed said that Māori culture and cultural activities are an important part of New Zealand's identity. Māori women artists, both traditional and contemporary, are very successful. They include weavers, writers, visual artists, playwrights, dancers, singers and film-makers.

Cultural education

The majority of the 10 most popular cultural subjects at secondary school showed little difference in male and female enrolments. However, females are under-represented in graphics and design.

Women made up 69 percent of tertiary enrolments in cultural fields of study and 74 percent of people enrolled in cultural community education courses in schools.

MEMBERSHIP OF PRIVATE CLUBS

There are still clubs where women can be excluded or have a reduced role in accordance with the rules or practices of the club. However, in recent years some of these clubs have voluntarily made membership available to women.

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ARTICLE 14
RURAL WOMEN

(1) States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetised sectors of the economy, and shall take all appropriate measures to ensure the application of the present Convention to women in rural areas.

(2) States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

(a) to participate in the elaboration and implementation of development planning at all levels;

(b) to have access to adequate health care facilities, including information, counselling and services in family planning;

(c) to benefit directly from social security programmes;

(d) to obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;

(e) to organise self-help groups and cooperatives in order to obtain equal access to economic opportunities through employment or self-employment;

(f) to participate in all community activities;

(g) to have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

(h) to enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

PROGRESS

- Increased participation by women in full-time agriculture and livestock production.
- Small business development and diversification in rural areas.
- Efforts by both the Agriculture and Horticulture Industry Training Organisations to remove barriers to participation by women and Māori.
- The responsiveness of the Rural Education Activities Programme (REAP) to women.

The rural population of New Zealand – that is, people living outside centres of 1,000 or more people – has grown during the reporting period. Rural women continue to make up approximately 14 percent of the total population of women, and a further 9 percent live in minor urban areas, centres of between 1,000 and 9,999 people. Fifteen percent of rural women are Māori.

Of rural women, 16 percent live in rural centres and 84 percent live in what could be termed 'the countryside' – that is, outside centres of 300 or more people.

ACTIVITIES OF RURAL WOMEN

Trends indicate that rural women are increasing their participation in full-time agriculture and livestock production (the main area of employment for rural women) either as self-employed, wage and salary earners or as relatives assisting on farms. The number of women in the rural labour force has increased, from 39.2 percent in 1991 to 42.8 percent in 1996. Other than in agriculture and livestock production, rural women are mostly likely to be employed in community, social and personal services, the wholesale, retail and restaurant sectors, and in manufacturing and business and financial services.

The research report *Change and Diversity* (Rivers 1997) indicated that women often played a leading role in keeping farms viable during the rural downturn. They often did the physical work on the farm, releasing husbands or partners to find off-farm work. In other cases they found off-farm employment themselves. During this period women's skills were also used to handle the emotional demands of increasing debt and decreasing returns, as well as managing the books.

Māori women in rural areas are less likely to be part of the farming economy than non-Māori women. Rural Māori women are also predominantly wage and salary earners, but the proportion who are unemployed is more than twice that of non-Māori population. Overall, the proportion of unemployed rural women is low, although there are differences in unemployment depending on location. Women living in the open countryside (i.e. outside centres of 300 or more people) have the lowest rate of unemployment in New Zealand at 5.6 percent, compared to those in rural centres (300–1,000 people) and small towns (1,000–10,000 people) where the unemployment rate is 10.1 percent.

Rural women continue to be well organised through a network of non-governmental organisations such as WDFF (Women's Division Federated Farmers) and the Country Women's Institute. WDFF has 365 branches throughout New Zealand and is considered a significant lobby group on issues that concern rural women and their families.

More self-employed women (including employers) live in rural areas than in other places. In 1996, 23 percent of rural women in the workforce were self-employed or employers, compared with 10 percent of the urban female population. Women's self-employment networks such as Women into Self-Employment (WISE) have a growing presence in rural areas with 36 branches nationwide in 1997, reflecting the growth in self-employment. WISE's activities are more fully described in Article 11: Employment.

ECONOMIC DIVERSITY OF FARM FAMILIES

The diverse nature of the activities of farm families was documented in research commissioned by the Ministry of Agriculture (Fairweather 1995), which revealed that farming has increasingly become just one of a number of activities undertaken by farm people. Off-farm work has become more visible with more women active in the paid workforce.

Results from a national survey of off-farm income 1992/93 revealed that such income was used predominantly to pay for household expenses – that is, to achieve a better standard of living, rather than to maintain farm viability.

A study of off-farm employment by 60 farm households (Little et al 1996) reveals the mix of economic activities undertaken by the farm family. Examples include tourism, light manufacturing and crafts, professional services, and a range of commercial activities. An important finding of this study was the identification of the multiple roles filled by farm women. Women are involved in household and family work, farm work, community work and off-farm work.

Farm ownership

Agricultural census data for 1996 indicates that, of 53,820 farms with one or more working owners, 50 percent have at least one female working owner. Farm women, particularly younger women, now see

themselves more as farmers in their own right rather than as farmers' wives. Fewer women are listed as owners for tax reasons and most, but not all, women listed as owners are likely to be involved in running the farm and managing its finances. Attitudes among financiers are slowly changing and most now expect to discuss farm finances and professional advisors with both partners, or the woman alone.

Women in self-employment and small businesses

Most self-employed rural women have occupations in the agriculture and fisheries group – 58.5 percent in 1996. Outside of farming, rural women have started small businesses (employing fewer than five people) in a range of industries including retail, manufacturing, restaurants and hotels, business and financial services, social and community services, recreational and cultural services, personal and household services, sanitary and cleaning services, and transport and communications.

The Community Employment Group of the Department of Labour has identified rural women for priority assistance. Initiatives on women's self-employment are discussed more fully in Article 11: Employment.

WOMEN IN DECISION-MAKING

Rural women's participation in decision-making is slowly increasing. The Ministry of Agriculture's *Change and Diversity* report (Rivers 1997) analysed the national representation of rural women on district councils, producer and related boards, health authorities, school boards of trustees and conservation boards. Although district council representation is increasing, it seems that women are more likely to be elected as councillors or mayors of city councils than of district or regional councils. There were women members on four of the seven producer boards, which market New Zealand primary produce, and women have almost equal representation with men on school boards of trustees. There are proportionally fewer women on conservation boards than in 1990.

In some areas women have thrived. In the case of Southland this appears to be directly linked to the women's networks developed by the Southland Rural Education Activities Programme (REAP). Although Southland women continue to undertake the traditional roles of rural women, two belong to the board of a local meat-processing company, the regional council is chaired by a woman, the Southland district has a woman mayor, and five of the 10 members of the regional conservation board are women.

THE RURAL COMMUNITY

1991 Census data indicate that rural women undertook a slightly higher proportion of unpaid voluntary activities than women living in urban areas. The unpaid voluntary activities of rural women include welfare and support, domestic services and education services. Rural Māori women participate in the same range of voluntary activities as non-Māori rural women, but they are more involved in whānau (family) and in arts and cultural activities. Both Māori and non-Māori rural women are involved in managing and participating in sports activities which are important for building social capacity and unity within rural communities.

However, fewer rural women are available to undertake voluntary work when they become more involved in paid work off the farm or more heavily involved in farm work. Increasing professionalism of some voluntary organisations, accompanied by increased financial accountability and more administrative work, has led to some rural women being reluctant to take on this workload.

Change and Diversity also found that women's role in the rural economy is essential for holding the community together and ensuring community viability. Continuation of such support is needed because strong communities have been identified as important to maintaining sustainable agriculture.

Social change

An interim report prepared for the Ministry of Agriculture on Rural Education Activities Programmes (REAPs) noted that rural communities have undergone a high degree of social as well as economic restructuring over the past decade. The report states that most rural areas are experiencing one or more of the following:

- increased unemployment, particularly amongst the unskilled or low-skilled
- the movement of rural people to urban areas and the movement of urban people to rural areas
- a change in the way many services are accessed as a result of the rationalisation of these services (for

example, many banks have been replaced by tele-banking and EFTPOS)

- greater requirements on the voluntary sector (for example, there is greater pressure on volunteers to be professional)
- greater devolution of responsibility for the delivery of some services to the community level
- the social impacts of changes in land use and land tenure (for example, pine plantations whose owners live outside the area).

The Ministry of Agriculture in 1996 carried out a study which showed that land use change may have social as well as economic and environmental impacts, and that changes in population size may affect access to services or the range of services available to rural women.

Access to health care

During the reporting period structural changes to the New Zealand health care system have continued and are described in more detail under Article 12: Health.

Rural women's access to health services has been improved by initiatives to integrate primary and secondary health care, such as one-stop health facilities, and by advances in medical technology such as tele-radiology. In addition, the increased availability of transport and accommodation services for patients who need to travel within or between RHAs for medical treatment has assisted rural women.

Lack of access to public transport services can be a barrier to access to specialist health services when these are not available locally. Some Crown Health Enterprises and community groups have worked together to overcome situations, such as lack of access to mammography screening services, by organising group day-trips to larger centres to access such specialist services. Access to a range of maternity services has been of particular concern to rural women's groups.

Many rural areas have difficulty in attracting and retaining health professionals for a variety of reasons, including isolation and workload. Midwives and practice nurses are in short supply in rural areas, as are volunteer support staff.

TRAINING AND EDUCATION

Rural women are more likely than rural men to have at least a school-level qualification. More rural Māori women tend to have school qualifications than rural Māori men, although the proportion of rural Māori women without qualifications remains higher than for the general female population.

Rural women and rural men have the same proportion of tertiary qualifications, although women tend to hold nursing and teaching qualifications, while men hold technical qualifications. A similar proportion of Māori women and Māori men hold tertiary qualifications. In 1995 approximately one-third of those enrolled in polytechnic and university-level courses in agriculture, forestry and fishing were women.

The main barriers to rural women's participation in continuing education have been the costs associated with courses, such as living away from home and travel. However, rural women's access to continuing education has been improved by the increased provision of distance education courses.

Polytechnics (including the Open Polytechnic), universities, and the Correspondence School offer a range of career courses including 'second chance' and retraining programmes. Women's organisations such as WDFF (Women's Division of Federated Farmers) provide courses targeted to women such as 'Communicate with Confidence' and 'Setting up and Maintaining a Landcare Group'.

The Agriculture Industry Training Organisation, which administers the farm cadet system, is currently undertaking research on Māori and gender responsiveness. The aim is to ensure that any barriers to participation in, and achievement of, qualifications are removed for these groups. Women currently make up 10 percent of farm cadets. Women make up 38 percent of the Horticulture ITO's trainees in the fruit, vegetable, floriculture, arboriculture, landscape, amenity, plant and forest nursery industries.

Rural Education Activities Programme (REAP)

The Rural Education Activities Programme (REAP) is a government-funded community-based, flexible educational resource that provides formal and informal learning opportunities for the whole community from early childhood to adult education.

Each of the 13 REAP programmes is responsive to the needs of its local community. For example, the

Marlborough REAP has worked with the community to combat domestic violence, running programmes for women in violent relationships, and bringing together private counsellors, the Police, health professionals, and youth support services. The sexual abuse service initiated by the Central Plateau REAP is now financially self-sufficient. This year the Marlborough REAP is encouraging women to develop business enterprises and providing a link between rural women's groups and existing enterprise development agencies. REAP courses throughout the country have given women the confidence to establish small businesses based on skills learned at the courses.

The Southland REAP has worked with a national working party on distance education, running a pilot programme with Southland rural women, linking 300 students via tele-conference. It has also organised a variety of activities for women, including self-defence courses, rural women's Stepping Out days, WAg (women in agriculture) days and health seminars. The rural women's network developed by the Southland REAP has been credited with creating an environment where women have become members of the local meat company board and are attending leadership courses; where high-profile New Zealanders visit on speaking tours; and where there has been an active involvement in addressing biculturalism in an area with relatively few Māori.

LIVING CONDITIONS

The provision of adequate low-cost housing has been of concern in some rural areas such as Northland and the East Coast. To help address these concerns the government-owned Housing Corporation has introduced a Low Deposit Rural Lending programme to help address rural housing problems in the far north, and on the east coast of the North Island. Both Māori and non-Māori are eligible for the programme, which is administered by local iwi. Under this programme, the Corporation requires a deposit of only 5 percent (compared to 15 to 20 percent usually required) for a loan to purchase a house. Loan applicants need to complete a home ownership skills course in order to qualify for the programme.

The Housing Corporation's papakainga lending programme provides mortgage finance for people wishing to build or buy a house on land which is in multiple Māori ownership. This finance is available throughout New Zealand, whether or not applicants have completed a home ownership skills course.

Access to adequate housing affects some older rural women. These women may be unable to afford the cost of adapting their home as they face mobility problems, or the cost of buying smaller homes closer to services. However, technological advances have improved access to some services for rural women, such as the introduction of electronic transfer of funds, tele-banking and automatic teller machines. The number of shared telephone lines has fallen from 38,000 in 1986 to just 600 in 1997. However, in some areas the infrastructure needed for electronic transmission of advisory, education, health, banking and retail shopping services is still being tested and services are not yet comprehensive.

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ARTICLE 15
EQUALITY BEFORE THE LAW AND IN CIVIL MATTERS

(1) States Parties shall accord to women equality with men before the law.

(2) States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

(3) States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.

(4) States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

PROGRESS

- The New Zealand Law Commission's Women's Access to Justice project.

CIVIL LAW AND CONTRACTS

Civil Legal Aid

Women are the main recipients of civil legal aid. Around 85 percent of civil legal aid relates to Family Court matters including matrimonial property disputes, custody, access, adoption and domestic violence matters.

The Legal Services Board, established in 1992, administers civil legal aid and supervises the work of the district legal services committees. The Board and each of the district committees has two members appointed by the Ministry of Justice on the joint nomination of the Ministers of Women's Affairs and Consumer Affairs.

In 1993 the Legal Services Board held a legal aid forum for women designed to analyse the extent to which the legal aid system is serving the needs of women in modern-day New Zealand. The forum led the Board to recommend to the Minister of Justice that applicants for domestic violence orders should not have to pay any cash contribution or have statutory charges made on assets when legal and is granted. That recommendation was accepted and included in the domestic violence legislative package of 1995. In 1997 the Board spent over $6 million on civil legal aid for domestic violence matters, representing almost 16 percent of total civil legal aid spending.

Community Law Centres

The Legal Services Board also provides financial support of $3.6 million to community law centres, the number of which have risen from 10 in 1992 to 19 in 1997. Women are the major users of community law centres.

WOMEN'S ACCESS TO JUSTICE

In 1994 the New Zealand Law Commission began a project called Women's Access to Justice: He Putanga mo nga Wāhine ki te Tika. The main function of the Commission is to undertake the systematic review, reform and development of the law of New Zealand. The scope of the Women's Access to Justice project (which is due to report by 30 June 1998) was determined after extensive consultation with New Zealand women.

At meetings all around the country and in written and telephoned submissions, thousands of women have described to the Commission their experiences with the law and identified the ways in which their expectations or needs were or were not met. The Commission has consulted with Māori and Pacific women, lesbians, women with disabilities, rural women, groups of women and women's organisations. The Commission has also consulted with judges, lawyers, lawyers' groups and others providing services or having an interest in women's access to justice.

The Law Commission has focused on four main areas relevant to the delivery of legal services:

- access to legal information
- the cost of legal services (including the civil legal aid regime, and lawyers' fees, especially in Family Court proceedings)
- access to legal representation and advice
- the education of lawyers.

While the Commission has yet to release its findings or recommendations, its work to date suggests that, as a result of social attitudes to and distinctions made on the basis of gender, women experience particularly daunting barriers when seeking access to legal services and consequently to courts and tribunals. The evidence the Commission has gathered suggests that women usually become involved in legal proceedings when the circumstances are such that, effectively, they have no choice but to become involved. This is the case, for example, in matters involving the family, and in criminal matters.

The Commission's work indicates that women:

- Find it especially problematic to obtain information about legal rights and processes. The Commission's work suggests that while there is relevant information available its form and content generally does not meet women's needs. Women with disabilities, women with English as a second language, and rural women experience particular difficulties obtaining access to legal information.
- Experience difficulties finding an appropriate legal advisor as most lawyers are men (69.5 percent with practising certificates in 1997) and lawyers have limited opportunities during their education and training to become informed about the effects of gender.
- Find the cost of legal services too high and that cost deters women from proceeding to protect and enforce their legal rights. The New Zealand civil legal aid system has eligibility criteria, which are comparatively low by international standards. In some cases, people receiving income support are earning too much to meet the income eligibility criteria, while the $50 initial contribution required by the scheme (apart from protection orders, which have free legal aid) is a barrier for low income women.
- The Commission has indicated that for a great many women 'access to justice' means ready access to quality legal services and procedures, and that quality is measured to a significant extent by the responsiveness of legal services to clients' social and economic situation and cultural background.

The Commission is also exploring the fuller meaning of Māori women's access to justice in the context of the Treaty of Waitangi. In addition to Māori women's concerns about their access to legal services, Māori women have criticised the policies and activities of government agencies in the justice sector as being insufficiently responsive to their needs and aspirations. A paper has been drafted presenting their perceptions and experiences of justice sector agencies, an overview of the agencies' policies and services, and a suggested model approach by which agencies may enhance their responsiveness to Māori women.

ARTICLE 16
MARRIAGE AND FAMILY LIFE

1 *States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:*

(a) *the same right to enter into marriage;*

(b) *the same right freely to choose a spouse and to enter into marriage only with their free and full consent;*

(c) *the same rights and responsibilities during marriage and at its dissolution;*

(d) *the same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;*

(e) *the same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;*

(f) *the same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of children shall be paramount;*

(g) *the same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;*

(h) *the same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.*

2 *The betrothal and marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.*

PROGRESS

- Changes to the law relating to custody of and access to children where there has been domestic violence.
- Planned legislative change on matrimonial property and the introduction of legislation on property rights for those in de facto relationships.
- Government initiatives to reduce the incidence of family violence.
- Government support for the women's refuge movement and other non-governmental organisations assisting the victims of family violence.

ENTRY INTO MARRIAGE

The rights of same-sex couples to legally marry were tested in the courts during the reporting period and is an issue of current public debate. In 1996 three lesbian couples took proceedings in the High Court to challenge the validity of a refusal by the Registrar of Births, Deaths and Marriages to issue a marriage certificate to them. The High Court ruled that the Marriage Act only permitted the registration of marriages between men and women. In December 1997 the Court of Appeal subsequently ruled that marriage between people of the same sex is not permitted under the Marriage Act. A majority of the court also ruled that this did not constitute discrimination under the New Zealand Bill of Rights Act 1990. However, two of the five judges considered that the marriage laws did discriminate against male and female same-sex couples in terms of the Bill of Rights Act.

Trends continue for fewer couples to marry and more to live in de facto relationships. This trend has re-opened the public debate on the property rights of de facto couples.

DISTRIBUTION OF FAMILY/HOUSEHOLD INCOME

Recent research (Fleming & Easting 1994) shows that couple or household income is not necessarily a reliable indicator of access to money by those living in the household. Income in some Māori and Pacific families is not always prioritised to meet the needs of those in the immediate household, as extended family and cultural obligations can sometimes have greater importance. In European families it was found that the more a woman contributes to household income, the more she is likely to have some say in household financial decisions. Men exert various forms of direct and indirect control over money that inhibits women spending on themselves for things unrelated to the role of housewife and mother, such as health care, dentistry, and further education or retraining to enhance employment prospects.

Women in all ethnic groups studied were found to prioritise their children's needs over their own, to the extent that women were taking up or staying in employment in their middle years to pay for their children's tertiary education. Their own need to save for retirement did not have priority.

Economic consequences of marriage breakdown

Research in the last decade shows that women's income and standard of living drop significantly after divorce and often never fully recover. Anecdotal evidence suggests that this is largely due to the fact that women still retain primary care of children after marriage breakdown and may, as a result, have a weakened attachment to the labour market. This is known as the 'equality is not equity' phenomenon and has been the focus of work to try and address remaining barriers to equality of outcomes following marriage breakdown.

PARENTAL RIGHTS AND RESPONSIBILITIES

Family name

The legislation covering the rights of parents to be named on the child's birth certificate were amended during the reporting period so that in certain circumstances a woman can put the name of the child's father on the birth certificate, even where the father does not consent, without first needing a paternity order. Changes were also made to place the mother's name first on a birth certificate and to include the mother's occupation.

The Births, Deaths and Marriages Registration Act 1995 requires that, when a child's birth is registered, one name be designated by the parent who registers the birth as the child's surname, and that one or more other names be provided. The surname can be the mother's or the father's surname. These rights are publicised in information pamphlets.

While both parents have equal guardianship and custody rights over their children where the parents have separated, it appears that women are still the majority of custodial parents.

Child Support Act 1991

In December 1997 the Government announced that it would review the Child Support scheme in an effort to identify legislative changes needed to improve the operation of the scheme so that non-custodial parents meet their financial responsibilities to their children.

At present there are approximately 140,000 liable parents in New Zealand. Of these, 35 percent are beneficiaries, who are required to make only the minimum payment. A total of 65 percent of liable parents

currently make the minimum contribution only, with the average contribution being $29.50 per week. A disproportionate share of the costs of children are still being met by the custodial parents, the majority of whom are women, and by the state.

Income support for sole parents

As at September 1997 there were 106,951 people receiving the Domestic Purposes (DPB) sole parent benefit, of whom 91 percent were women. This represents a slight increase in the number of women on this benefit over the reporting period. Māori were 31.2 percent and Pacific people 7 percent of those receiving the DPB sole parent benefit.

Criteria for entitlement to a sole parent benefit include a requirement that the applicant not be in a relationship in the nature of a marriage. A recent Court of Appeal case highlighted the test of financial interdependence as a necessary component when assessing eligibility for the sole parent benefit. In this case the woman had been subjected to domestic violence and the nature of the relationship was such that there was no financial interdependence, and the benefit was therefore payable. However, the Social Security (Conjugal Status) Amendment Bill is currently being considered by a Select Committee and, if passed into law, will override the decision.

Guardianship, wardship, trusteeship and adoption

The Guardianship Amendment Act 1995 amended the law relating to custody and access in cases where there has been domestic violence. Where allegations of violence are made in custody and access proceedings, the court is to determine, as soon as practicable, whether the allegations can be substantiated. If so, and in order to protect the best interests of the child, the violent parent is not to be given custody or unsupervised access unless that parent can satisfy the court that the child will be safe.

Wardship

Legislation has been introduced into Parliament that will confer wardship jurisdiction on the Family Court as well as the High Court.

Care and protection of children

Where a child or young person is in need of care or protection, they are dealt with under the Children, Young Persons and Their Families Act 1989. Protection of the family and children in New Zealand has been strengthened by a Court of Appeal's decision which requires Ministers of the Crown exercising statutory discretions to consider, where relevant, New Zealand's obligations under the United Nations Convention on the Rights of the Child.

Details of the Children, Young Persons and Their Families Act 1989 are covered more fully in New Zealand's reports on the United Nations Convention on the Rights of the Child, November 1995 and May 1997.

Adoption

Adoption is a diminishing practice. Adoption of babies by non-family members is now uncommon, but continues to be used for older children, reconstituted families and in long-term foster situations. In 1994 there were 683 adoptions, of which 183 were to people not known to the child and 500 were adoptions to non-strangers including step-parents and relatives.

During the reporting period legislation allowing inter-country adoption of children was passed and a full report on this legislation was contained in New Zealand's initial report on the United Nations Convention on the Rights of the Child, November 1995.

During the reporting period, legislation implementing the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (the Hague Convention on Intercountry Adoption) was passed. The Adoption (Intercountry) Act 1997 sets out the full text of the Convention in a Schedule and declares that the provisions of the Convention shall have the force of law in New Zealand. Its primary aim is to provide greater protection for children who are the subject of inter-country adoption. The Convention establishes a system of cooperation amongst Contracting States to ensure the protections in the Convention are respected, and secures recognition in Contracting States of adoptions made in accordance with the Convention. The Adoption (Intercountry) Act 1997 has yet to come into force.

With respect to intercountry adoptions taking place in countries other than those that are Contracting States under the Hague Convention, the Adoption Act 1955 provides for recognition of certain overseas adoptions. This legislation was reported on in New Zealand's initial report on the United Nations Convention on the Rights of the Child.

PROPERTY RIGHTS

Matrimonial property rights

In 1993 the courts made approximately 9,000 orders dissolving marriages and, under the present law, partners are each entitled to a half share of the matrimonial property. However, there has been public debate in recent years on whether the presumption that the partners should receive an equal share of property at the time a marriage is dissolved is fair and reasonable.

The Government has announced plans to introduce changes to the matrimonial property legislation in early 1998.

Property rights on death

While a person who divorces his or her spouse is entitled to a half share of the matrimonial property, a widow or widower does not have the same automatic right to a half share on the death of their partner.

In 1997 the Law Commission published its report *Succession Law: A Succession (Adjustment) Act*, which recommends reform of the law relating to succession on death. The Commission considered the law in this area to be in urgent need of review because of inconsistencies in the relevant legislation, which is now quite dated: Matrimonial Property Act 1976, Family Protection Act 1955, and the Law Reform (Testamentary Promises) Act 1949.

The Commission considered that the court powers were broad and discretionary, which might have been acceptable when people had a common, if narrow, vision of the family. However, New Zealanders now accept that families differ in their ethnic and cultural backgrounds as well as their structure, and the value systems of a single culture or a particular type of family should no longer be applied indiscriminately to others who do not share that system. The Commission recommended a number of changes to the rights of widows and widowers, de facto partners (including same sex couples), children who cannot support themselves, adult children, and other relatives and contributors. These issues have been considered in the drafting of new legislation.

De facto relationships and property sharing

The 1996 Census showed 236,397 people living in de facto relationships, a 46 percent increase in the number shown in the 1991 Census. A higher percentage of Māori women live in de facto relationships than other groups of women (14.8 percent of Māori women; 8.1 percent of non-Māori women).

At present there is no specific statute law for dividing property when a de facto relationship ends. Women's property rights in marriage-like or de facto relationships are determined under general law, which has raised both substantive and procedural problems for women. For example, the law of trusts is uncertain and complex and it is necessary to go to the courts for a remedy. The issues which arise in settlements are similar to those faced by married couples. Financial contributions have been accorded greater weight in the courts than non-financial contributions to the relationship (such as childcare). This tends to disadvantage women's outcomes.

This area of law has been examined by the courts during the reporting period. In a recent Court of Appeal case the court took into account the non-financial contributions of the woman and awarded her 50 percent of the house in which the couple had been living. However, this was only a 25 percent share of the total property in dispute. The same decision confirmed the test of reasonable expectations as the primary factor in de facto property law in New Zealand.

In 1993 and 1994 the Legal Services Board conducted a major media campaign on de facto property rights when it became aware that many women erroneously believed that couples in de facto relationships were covered by the Matrimonial Property Act.

The New Zealand courts have clearly indicated that further development of the rights of women to an equitable share of property on the breakdown of a de facto relationship will depend on legislative change due to be introduced in early1998.

FAMILY AND FAMILY RESPONSIBILITIES

In recent years there have been changes to family composition which affect women. There has been a significant increase, for example, in the number of sole parent families, now 28.3 percent of all families with children in New Zealand, the majority headed by women. There has been increasing recognition of reconstituted or 'blended' families resulting from remarriage after death or divorce. Research is underway to study the relationships between members

of reconstituted families and the obligations between members of these family groups.

For Māori, the whānau is the traditional family group which may typically comprise several parent-child families, several households and several generations. 'Māori have increasingly focused on the whānau as the heart of the Māori social order, the basic model for other forms of organisation, including hāpu [sub-tribe] and iwi [tribe]. The whānau is seen as embodying and providing the major arena for learning the fundamental values and procedures of tikanga Māori [Māori customs]' (Metge 1997).

For Pacific women, membership of a family grouping is a driving force underpinning social behaviour. In many indigenous Pacific societies today, the changing roles of women has had an impact on family life. In traditional Pacific societies, women are highly regarded and revered. With women now receiving more education and having paid working careers, there is some recognition of women's roles outside the home, and attitudes are changing.

There has been some acknowledgement of extended family networks in new laws, such as the Domestic Violence Act 1995, which recognised that a woman or child may be subject to violence from a range of family members other than their husband or partner. The law relating to domestic violence is discussed more fully under Article 12: Health.

FAMILY VIOLENCE

According to a recent study, *Women's Safety Survey 1996* (Morris 1997), 21 percent of men have physically abused a woman partner in a 12-month period and 35 percent have physically abused a woman partner at some time in their life. Twenty-five percent of the Māori women with current partners had experienced at least one act of physical or sexual abuse in the past 12 months and Māori women are also more likely than non-Māori women to have received medical or hospital treatment as a result of their partner's violence. Police statistics show that 40 percent of all homicides between 1988 and 1993 resulted from domestic disputes, and a further 4 percent from child abuse. In 1995 over 8,000 applications for non-violence and non-molestation orders were made to the Family Court.

The annual cost of family violence to new Zealand was estimated for the 1993/94 financial year as between $1.187 billion and $5.302 billion per annum.

The issue of family violence has been the subject of a range of initiatives during the reporting period.

Crime Prevention Strategy

Two of the seven goals of the Crime Prevention Strategy adopted by the Government in 1994 are aimed at reducing the incidence of family violence and addressing the concerns of victims and potential victims.

In mid-1996 the Government released its *Statement of Policy on Family Violence* which outlines objectives and actions to reduce the incidence of family violence. Good-practice guidelines for coordination of family violence services have been developed to increase the responsiveness of government and non-government agencies dealing with victims of family violence. A package of crime prevention proposals in the 1996 Budget included the development of the *Community Action to Prevent Family Violence* resource kit for local communities; personal safety training for girls; programmes for child witnesses and victims of family violence; extra resources for service agencies; and improved rural services for victims.

The Family Violence Advisory Committee advises the Minister of Social Welfare and other agencies on public education needs, services for victims and offenders, possible initiatives, and research directions.

The most recent Police statistics show that offences of the category 'male assaults female' (composed largely of domestic assaults) fell for the second year in a row, down 5.6 percent in the year to December 1996, following a 1.1 percent reduction in 1995. These figures compare with increases of more than 40 percent recorded in both of the previous two years, and are thought to stem from the introduction of the pro-arrest approach to domestic incidents adopted by Police in 1992. However, the figures also show a growth in applications for protection orders under the Domestic Violence Act. In the nine months to September 1997, the Department for Courts received 5,484 applications for domestic protection orders.

The Ministry of Māori Development's report *Māori Family Violence in Aotearoa* (Balzer 1997) detailed the results of a two-year study into Māori family violence. The report researched the nature of violence; contributing factors; social impact on whānau (families), hāpu (sub-tribes) and iwi (tribes); traditional approaches used to address Māori family violence; and recommended strategies to protect and support victims and to hold abusers accountable and responsible for their actions. For interventions to be

effective, it is recognised that Māori whānau, hāpu and iwi need to be involved in developing solutions.

Services

The Crime Prevention Unit within the Department of Prime Minister and Cabinet assisted with the establishment of Shakti Asian Women Support Group in 1996. Shakti assists Asian women victims of domestic violence by providing telephone and face-to-face counselling and, where necessary, referring them to women's refuges. About 700 families nationwide are in contact with Shakti. Eighty percent of those helped by Shakti are in the Auckland region. Shakti is an associate member of the National Collective of Independent Women's Refuges. Since late 1997 Shakti have been providing safe house accommodation in addition to their other services.

Women's Refuge

The largest provider of protection against violence in New Zealand is the women's refuge movement, which in 1996 consisted of a chain of 56 safe houses throughout the country, which are staffed by paid and unpaid workers. In 1996 refuges received over 296,000 telephone calls about their services, up 5 percent on 1995. However, the number of refuge beds occupied, while still high at 116,596 for the year, was down 2.5 percent on the previous year. The refuge network has appointed outreach workers in four isolated rural areas to provide community support.

Refuges work with women in the community as well as those women who use safe-house emergency accommodation. Refuges also provide domestic violence training and education in their local communities. A number of refuges provide specialist programmes for women and children.

Māori women are still disproportionately more likely to use refuge services than non-Māori, representing 46 percent of women and 53 percent of child admissions in 1996. Ten of the safe houses are Māori refuges and two are for Pacific women.

Elder abuse

The New Zealand Community Funding Agency (NZCFA) of the Department of Social Welfare is funding seven elder abuse and neglect services in 1997/98. Statistics provided by Age Concern show that the greatest number of cases of elder abuse and neglect reported to them is for women aged from 75-84, and that the most common forms of abuse encountered are psychological and financial.

Victim Support

In 1996 Victim Support contacted 189,000 victims of crime, accident and emergency events, of which 15 percent were related to family violence.

The findings of the 1996 New Zealand National Survey of Crime Victims (Young et al 1997) suggests that both Pacific and Māori were significantly less likely to be aware of services for victims, and also significantly less likely than New Zealand European/European to mention Rape Crisis. There was little difference between Māori and New Zealand European/European in mentioning Women's Refuge. Pacific respondents, however, were less likely to mention Women's Refuge. The survey suggests that there is a general need for better targeting of support services.

Recent research (*Māori Family Violence in Aotearoa* Balzer 1997) has found that there is a need for victim support services designed by and provided by Māori and that the criteria and conditions for funding are developed jointly with Māori service providers and communities.

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CONSULTATIONS

In order to obtain the information contained in this report, there was wide consultation with individuals and a range of private and public sector organisations. Consultations were held with representatives of key government agencies and statutory bodies, women's groups and specific groups of women including Pacific women and rural women. The following departments and non-government organisations were consulted in the preparation of this report:

Government departments and statutory bodies:

Advertising Standards Authority; Broadcasting Standards Authority; Department of Internal Affairs; Department of Labour; Department of Prime Minister and Cabinet; Department of Social Welfare; Education and Training Support Agency; Equal Employment Opportunities Trust; Health and Disability Services Commissioner; Human Rights Commission; Law Commission; Legal Services Board; Local Government New Zealand; Ministry of Agriculture; Ministry of Cultural Affairs; Ministry of Education; Ministry of Foreign Affairs and Trade; Ministry of Health; Ministry of Justice; Ministry of Pacific Island Affairs; Ministry of Youth Affairs; New Zealand Immigration Service; New Zealand Police; Office of Film and Literature Classification; Office of Treaty Settlements; State Services Commission; Statistics New Zealand; Te Puni Kokiri the Ministry of Māori Development; The Treasury.

Non-government organisations:

Age Concern; CCS New Zealand; Citizens Advice Bureaux (Inc); Federation of Ethnic Councils; New Zealand Council for Educational Research; New Zealand Council of Trade Unions; New Zealand Educational Institute Te Riu Roa; NZ Family Planning Association; Post-Primary Teachers' Association.

Women's organisations:

The Association of Presbyterian Women; Disabled Person's Assembly Women's Network; Divorce Equity; Federation of Women's Health Councils; Māori Women's Development Fund; Māori Women's Welfare League; National Council of Women; New Zealand Business and Professional Women's Association; New Zealand Federation of University Women; New Zealand Prostitutes Collective; NGO Coordinating Committee; PACIFICA; Shakti Asian Women's Group; UNIFEM; WDFF (Women's Division of Federated Farmers); Wellington Women Lawyers Association; Western Community Clinic, National Women's Hospital; WISE Network; Women's Electoral Lobby; Women's Health Action; Women's Information Network; Women's Loan Fund; YWCA.

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Annex I

Additional information on Tokelau

Introduction

There was no separate section on Tokelau in New Zealand's initial report on the Convention. New Zealand's second periodic report in 1993 covered the Convention's implementation with regard to Tokelau up to mid-1992. The present document brings the situation up to date.

The following preliminary comments are offered:

- The text of the Convention on the Elimination of all Forms of Discrimination against Women was included in a human rights booklet published in English and Tokelauan at the end of 1990;
- Tokelau has had a constitution under active discussion since 1995, and a preliminary report on that subject was made in Tokelauan at the end of 1996. In October 1997, an English version became available, including annotations and commentary. In the various discussions, which have been wide-ranging at both the village and national levels, advice has been available concerning the nature and role of the various international human rights documents which bind Tokelau;
- The Tokelau Amendment Act 1996, passed by the New Zealand Parliament, confers on the General Fono, Tokelau's national representative body, a power to make rules for Tokelau, including the power to impose taxes. Reflecting the facts that New Zealand maintains responsibility for the foreign affairs of Tokelau and that New Zealand has signed various treaties that apply to Tokelau, including the present Convention, section 3B(1)(c) of the Act provides that if the General Fono makes any rules that are inconsistent with Tokelau's international obligations or with any international obligations applying in respect of Tokelau, then such rules have no effect to the extent of the inconsistency.

Part I

Tokelau consists of three small atolls in the South Pacific – Atafu, Fakaofo and Nukunonu – with a combined land area of approximately 12 square kilometres. The central atoll, Nukunonu, is 92 kilometres from Atafu and 64 kilometres from Fakaofo. Samoa, the nearest sizeable neighbour, is 480 kilometres to the south.

The last census was in 1996. At that time, there were 1,507 people in Tokelau. Fakaofo had the largest population, with 578 people, 285 men and 293 women. Atafu was the next most populous atoll, with 499 people (244 men and 255 women), while Nukunonu was the smallest, with 430 people (221 men and 209 women). Twenty persons were temporary visitors, leaving a total of 1,487 usual residents. At the time of the previous census in 1991, the population was 1,577.

Tokelau's geographic isolation is accentuated by the absence of an air link. There is a shipping connection with Samoa, on an approximately five weekly basis. The idea of an air link is raised periodically, but local opinion has never pushed consistently for it.

Tokelau's people are Polynesian. It is closest culturally and linguistically to Tuvalu, but there are significant family, church, linguistic and cultural links with Samoa too. The Tokelau way of life *faka-Tokelau* reflects however a distinctive and complex social and economic order based on the values of community and sharing. These traditional values remain strong in today's Tokelau, despite the important changes that external influences have brought about in more recent times.

The British Government transferred administrative control of Tokelau to New Zealand in 1925. Formal sovereignty was transferred to New Zealand in 1948 by act of the New Zealand Parliament. New Zealand statute law, however, does not apply to Tokelau unless it is expressly extended to Tokelau. In practice, New Zealand legislation is extended to Tokelau only with its consent. For the purposes of the self-determination principles of the Charter of the United Nations, Tokelau is listed as a non-self-governing territory.

The administrative pattern differs from the norm. It is one of village government according to customary practices administered by elders, not by agents of an external administration. The administering Power has never been physically resident.

The needs of Tokelau at the national level remain formally the responsibility of the New Zealand Government, in particular the Administrator of Tokelau. Under a programme of constitutional devolution developed in discussions in 1992, Tokelau, with New Zealand's support,

is developing the institutions and patterns of self-government that will enable its people to make a valid choice, under an act of self-determination, concerning their future political status. This programme was reaffirmed in 1994, when Tokelau informed a United Nations visiting mission that it had under active consideration both the constitution of a self-governing Tokelau and an act of self-determination. It also expressed a strong preference for a future status of free association with New Zealand. No timetable was set.

The present constitutional phase stems from the desire of elders to bring home that part of government which deals with the interests of all of Tokelau, rather than those of the villages individually. It stems equally from a realization that Tokelau has contemporary needs arising mainly from interaction with the outside world that cannot be met by the villages individually. To achieve these goals – and particularly to establish a viable national government capacity – required the relocation to the atolls of the Samoa-based public service, and the devolution by New Zealand of executive and legislative powers.

Those steps have been taken. In the area of New Zealand's responsibility, the Administrator's powers were delegated in 1994 to the General Fono, and when the General Fono is not in session, to the Council of Faipule. As noted, the Tokelau Amendment Act 1996 conferred on the General Fono the power to make rules for Tokelau.

Faipule are the elected leaders of their respective atolls and chair the Taupulega or village council. Additionally, Faipule now act as ministers of national government, being served by public servants who moved from their previous Samoa base in 1993-1994. The Council of Faipule (Cabinet equivalent) was established in 1993 to provide ongoing government.

Significant work has been done since 1995 in the villages under the auspices of a Special Constitution Committee of the General Fono, on the content of a future constitution. The documentation which has become available in 1996-1997 provides a first glimpse of what such a document might contain.

Tokelauans accordingly are charting their own constitutional course, which means that they are not receiving borrowed constitutional clothes, as has happened so often elsewhere. Recognizing their need to come together to enhance living standards and quality of life, they are devising a constitutional model which is suited to their cultural environment and consensual political process.

Something of the spirit of this enterprise is captured in the preamble to the Tokelau Amendment Act 1996. Its text was worked through carefully with Tokelau, which wished particularly to endorse this measure in a forward-looking way. Here are two paragraphs from the preamble:

> 10. Tokelau welcomes this Act, as in accordance with its wish to paddle its canoe to the greatest extent possible, and as consistent with a long-standing desire by three dispersed atoll communities to come together and become stronger, on the basis of their shared language and culture, as one family and nation:
>
> 11. Tokelau also welcomes this Act as a fresh breeze to fill the sails of Tokelau's canoe, and in the knowledge that the conferral of legislative power is a step of large constitutional significance which strengthens the General Fono in its role as Tokelau's supreme national body:

The exercise was further significant for Tokelau given that the preamble was translated into Tokelauan, that the Tokelauan version came before the English, and that indeed this was the first use of Tokelauan text in New Zealand legislation.

Tokelau's contemporary need is to strike balances between the local and the external, seeking solutions appropriate to its special social and physical situation. In each atoll/village, the focus is on caring for individual members of the community in a communal manner.

It is no easy matter for Tokelau to find a good balance between the role of custom and law, or between the familiar idea of community, which promotes the sense of unity and sharing that has enabled people to survive in this remote and precarious environment for some 10 centuries, and the imported notion of individuality. Law is foreign to Tokelau, but after more than a century of contact with the world outside, custom and law now intersect to an important degree. So it is established that adopted law very well meets certain needs, especially for the whole of Tokelau as distinct from a single village.

As part of the work on a constitution, Tokelau is considering how it should express a commitment to basic human rights. Since the last century, Tokelauans have been familiar with these ideas as an important part of Christianity, but they are much less familiar with them in the context of law and government. As systems and personnel become better established, the new Government of Tokelau will be

able to consider what steps Tokelau might take in light of the obligations accepted by New Zealand on its behalf.

Tokelau is assured of the continuing interest and support of the New Zealand Government in its development of self-government, and of New Zealand's firm commitment to assisting Tokelau once an act of self-determination is made.

Part II

There is nothing in the laws of Tokelau sanctioning any kind of discrimination against women, and in general, women enjoy the same economic, social and cultural rights as men. Tokelau society nonetheless continues very largely to be organized by Tokelauans in accordance with custom and tradition. In Tokelau culture, there is a clear demarcation between male and female roles.

The situation of women, however, is not static. Tokelau is exposed to new thinking and most Tokelauans have travelled – and often lived – abroad. In 1996, 4,917 Tokelauans lived in New Zealand.

A significant promotion of gender equity is under way. In 1996, there were 486 members of the paid labour force, 330 male and 156 female. Of the 70 professional, technical and related workers, 27 were male and 43 female. Service workers were equally divided – 20:20. Of the 22 administrative/managerial workers, 13 were male and 9 female. 178 or 36 per cent of the paid labour force were employees of the Tokelau Public Service, 105 men and 73 women. One woman is a director in the public service, and there is a female police officer.

In 1966, the Government of Tokelau, with the assistance of UNICEF, published *A Situation Analysis of Children and Women in Tokelau*. This description of the status of women provides a first-hand Tokelau perspective:

> Women have always played an important role in Tokelauan society. Women are in charge of the upkeep of homes, food preparation, weaving handicrafts and serving as teachers in passing on values and traditional knowledge. They also assist in providing health services to the communities.
>
> Divorce was never a common occurrence, but it appears to be on the increase; however, statistics are not available. There is no difference in status between widows, divorcees and married women.
>
> Although there are specific domestic roles and responsibilities for males and females, it is not uncommon to see males doing chores which were once thought to be the responsibility of their partners, and vice-versa. One traditional belief remains that women, once married, are expected to give birth to babies. Also, women past middle age are the most respected when they have grown up children visibly seen to be serving the community.
>
> The roles for women are now changing. To help with these changes, the *Fatupaepae* (National Council of Women) is trying to foster and develop the role of women in the social, cultural and economic development of their country. They are also working on identifying the needs for women's development and on prioritizing those needs, to work side by side with the Government and the General Fono on issues relevant to the welfare of women and communities. The *Fatupaepae* holds meetings throughout the year to discuss, finalize and solve any problems that women are faced with. It is also a link between the three atolls in redefining and setting their needs, as changes take place in Tokelau. Tokelau is going through major political changes, and this is going to have a major impact on women.

With the facilitation of the South Pacific Commission, a Tokelau delegation was able to join other South Pacific island country delegations at the Fourth World Conference on Women at Beijing in September 1995. The statement made by the Tokelau delegation is contained in the appendix. It acknowledges gains in regard to women's input into decision-making, noting particularly that women have been delegates to the General Fono since 1994. It reflects constructively on what more can be done to secure better understanding of women's needs and rights within the context of a remarkably cohesive environment.

Upon its return to Tokelau, the delegation was able to hold meetings at Atafu and Nukunonu to report on the Conference, especially the Beijing Declaration and Platform for Action. The *Fatupaepae* has an immediate focus and responsibility since it addresses priorities for women at the village and national levels. There are also significant local obligations to be met, such as in handicraft production required for national occasions and visitors.

Implementing the Beijing Declaration and Platform for Action is for Tokelau a matter of balancing internal needs and external expectations. The challenge is there and is recognized by the government of Tokelau as well as by the *Fatupaepae*; severe budgetary constraints upon the government of Tokelau make that challenge greater.

Appendix

Statement submitted by the delegation of Tokelau to the Fourth World Conference on Women at Beijing, 4-15 September 1995

Introduction

Tokelau, a non-self-governing territory under the dominion of New Zealand, consists of three groups of small reef-scattered atolls nearly 500 kilometres north of Samoa, with a total land area of 12 square kilometres and a population of 1,577 (1991 Census). Each atoll group contains from 30 to 50 kilometres of reef-bound islets, varying in length from 90 metres to 6 kilometres and in width from a few metres to 200 metres.

1. Sharing of power and decision-making

Traditional values and cultural practices prescribe gender roles in Tokelau with respect to decision-making. Briefly, the male is involved in the public domain, the female in domestic and family issues. In this context, it can be said that there is inequality between men and women in the sharing of power and decision-making, particularly at the local village level (Councils of Elders).

In the typical Tokelau family, the man is generally the breadwinner and provider; he is considered the head of the family, thus giving him more power in decision-making. In contrast, the woman is generally expected to be at home being responsible for domestic duties. The status of Tokelau women in terms of power-sharing and decision-making is not markedly advanced in comparison to their counterparts in Western societies.

At the local level, the decision-making body comprises the heads of families or *matai* and village elders; the percentage of women in these village situations is minimal.

At the national level, however, there has been a positive step taken in recognizing women's input in decision-making. Since 1994, representatives of the National Women's Organization have been members of the General Fono or Parliament. Clearly, decision makers at the political and national levels now recognize the importance of giving women the opportunity to play a more active part in making decisions.

However, commitment and assertiveness from women must start within the family. Educating family members and understanding women's needs and rights require more focus and attention. This will no doubt contribute to improving women's confidence in exercising power and making decisions, and to improving their status in society.

2. Violence against women

While the issue of violence and abuse against women is minimal in Tokelau, we still strongly support the concern on this issue voiced at the regional level. Where they exist, these problems occur within the family, where wives are abused verbally and to a lesser extent physically. In Tokelau, sexual violence against women is becoming more prevalent; it is therefore vital for the women of Tokelau to take measures to prevent this from becoming a more serious problem. Currently, steps are being taken to establish stiffer penalties for crimes of violence.

As Tokelauans migrate to bigger societies, no doubt they will be confronted and/or exposed to these problems. Reports of the frequency and seriousness of these crimes against women in other societies are of a great concern to us. We therefore call upon Governments around the world to work together in solving this problem.

3. Women's human rights

Tokelau's relative isolation has meant influences from Western cultures have not greatly affected our way of life when compared to other Pacific island countries. This has allowed Tokelau to maintain a strong hold on its traditions and cultural values. The ideology of women's rights is a Western concept and has not yet taken a firm foothold in Tokelau society. The lack of awareness concerning women's issues and rights in Tokelau society as a whole needs to be addressed. The first step would be to educate Tokelau women to become more aware and appreciative of their rights. Until this is done, Tokelau women will not have the interest and confidence to strive for higher and better status socially, economically and politically.

Specific focus must be given to educating women to have the knowledge to better understand issues relating to them. This will motivate women to insist on a better and equitable status within Tokelau society. Once this has been effected, it will allow women to play a bigger part in the wider decision-making process, and to participate in formulating and implementing policies and plans which are better geared towards women's needs and rights. Tokelau

society must learn to accept changes and mould some of the tradition and cultural values to enable women to play a bigger role in decision-making.

It is also recommended that a closer interaction and exchange of information be encouraged among Pacific countries on issues relating to the advancement of women's rights. Though we come from societies that are diverse, the challenges facing women are the same, and it would be beneficial for Pacific women to share views and ideas: specifically, action taken for the advancement of women's rights, dealing with cultural constraints on women's rights, as well as the obstacles encountered and how they may be overcome.

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Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

Third and fourth periodic reports of States parties

New Zeland*

Addendum

Status of women in New Zealand 1998: supplementary material

Article 7. Political and public life

Women in decision-making

New Zealand Centre for Women and Leadership

1. In March 1998 Massey University announced the establishment of New Zealand's first Centre for Women and Leadership. The Centre will promote leadership opportunities for women through education, research and community activity. It will provide a forum for debate, coordinate research projects and convene conferences and short courses.

* For the initial report submitted by the Government of New Zealand, see CEDAW/C/5/Add 41/Amend.1 and Corr.1; for its consideration by the Committee, see CEDAW/C/SR.105, CEDAW/C/SR.106 and CEDAW/C/SR.109, and *Official Records of the General Assembly, Forty-third Session, Supplement No. 38* (A/43/38), paras. 74-126. For the second periodic report submitted by the Government of New Zealand, see CEDAW/C/NZL/2 and Add.1; for its consideration by the Committee, see CEDAW/C/SR.243, and *Official Records of the General Assembly, Forty-ninth Session, Supplement No. 38* (A/49/38), paras. 608-665.

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2. The Centre will focus on women in management and business, women in self-employment, women as directors, women in the workforce, and women as leaders in central and local government and community organizations. The Centre will develop research opportunities for Maori women in leadership and for Pacific women in leadership.

Article 11. Employment

Occupation

Unified pay system for teachers

3. In early March 1998 NZEI Te Riu Roa, the union that represents early childhood workers and primary teachers, and the Government reached agreement on a unified pay system for primary and secondary teachers. This means there will be significant pay increases for a workforce where over 80 per cent of the people employed are women.

4. Primary teachers on the basic scale will receive, on average, increases of over 10 per cent, and teachers in management positions will receive, on average, increases of approximately 14 per cent.

Article 12. Health

Health risks for women

National Cervical Screening Programme

5. The operational part of the National Cervical Screening Programme will be transferred from the Ministry of Health to the Health Funding Authority in mid-1998. The transfer is administrative and brings together two formerly separate parts of the Programme.

6. The Health Funding Authority is committed to continuing and improving the Programme. As at March 1998, the Programme has enrolled 85 per cent of all eligible women, two years ahead of the original schedule.

Article 16. Marriage and family life

Property rights

Matrimonial property rights

7. In March 1998, the Government introduced two bills dealing with property following the breakdown of marriages and de facto relationships.

8. The Matrimonial Property Amendment Bill updates the Matrimonial Property Act 1976. It extends the basic division rules of the 1976 Act to provide that on the death of one spouse, the surviving spouse would be entitled to the same share of the matrimonial property as would have applied had the marriage broken down.

9. Other measures contained in the Bill include the treatment of heirlooms and *taonga* (treasure), greater powers for the Courts where minor or dependent children are involved and better protection where matrimonial property has been disposed of to a trust or company.

10. The De Facto Relationships (Property) Bill introduces a property regime to apply on the breakdown of a de facto relationship. There is currently no specific statute law for dividing property when a de facto relationship ends. The proposed property regime includes

a presumption of equal sharing of the family home and chattels. The division of other relationship property will reflect both financial and non-financial contributions – unlike the Matrimonial Property Act where there is a presumption of equal sharing.

Family violence

Maori Women's Development Unit, National Collective of Independent Women's Refuges

11. The Maori Women's Development Unit of the National Collective of Independent Women's Refuges was established in March 1998. The Unit will specifically target violence in Maori families by providing policy advice, monitoring and assessment of services for women and children, as well as developing new services.

12. Approximately half the women assisted by Women's Refuge in 1997 were Maori.

Information and publicity

13. In the reporting period, information and publicity about the Convention included the Ministry of Foreign Affairs and Trade's regular programme of consultations with non-governmental organizations concerned with human rights issues. These have included discussion on the proposed optional protocol. The Ministry of Foreign Affairs and Trade also publishes the *Human Rights Bulletin*.

14. The Human Rights Commission developed a programme of seminars for lawyers on international human rights instruments, including the Convention, the Committee on the Elimination of Discrimination against Women, published a handbook on international human rights instruments and provided information about the Convention on their website (www.hrc.co.nz).

15. Staff from both the Ministry of Women's Affairs and the Human Rights Commission addressed the 1997 annual conference of the National Council of Women on the Convention and the optional protocol. UNIFEM New Zealand hosted a seminar on the Convention at which Dame Silvia Cartwright spoke.

16. Constitutional lawyer Mai Chen presented a paper entitled "Improving Enforcement of the Women's Rights Convention" to the Conference on Human Rights – How they are Best Protected, in 1996.

17. Dame Silvia Cartwright's nomination and subsequent election to a second term on the Committee in 1996 attracted some publicity. Dame Silvia also presented a paper to the Asia/Pacific Regional Judicial Colloquium, Hong Kong, May 1996, on "The Relevance of International Standards to Domestic Litigation: the Case of New Zealand". This paper was published in the Conference proceedings.

18. In 1996 Dr Marilyn Waring of the University of Waikato published *Three Masquerades: Essays on Equality, Work and Hu(man) Rights*, which included discussion of the Committee on the Elimination of Discrimination against Women and reproduced the Convention as an appendix.